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Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Defense Department
Economic Opportunity Office
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Bureau of Standards
Securities and Exchange Commission

Detailed list of Contents appears inside.



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1949-1963

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Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Upland cotton allotments; holding of referenda on marketing quotas..... 6533

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

Interest rate provided in reparation awards; policy change..... 6551

ATOMIC ENERGY COMMISSION

Notices

Rochester Gas and Electric Corp.; issuance of provisional construction permit..... 6552

CIVIL AERONAUTICS BOARD

Notices

Aerolineas Nacionales del Ecuador, S. A.; notice of hearing..... 6552

COMMERCE DEPARTMENT

See Maritime Administration; National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:
Lemons grown in California and Arizona..... 6534
Valencia oranges grown in Arizona and designated part of California..... 6533
Milk in certain marketing areas:
Paducah, Ky..... 6536
Upper Chesapeake Bay..... 6535
Washington, D.C..... 6534

Proposed Rule Making

Milk in Nashville, Tenn. marketing area; decision..... 6549

DEFENSE DEPARTMENT

Rules and Regulations

Natural resources; soil and water management; miscellaneous amendments..... 6547

ECONOMIC OPPORTUNITY OFFICE

Rules and Regulations

Community action programs; waiver of requirement of public hearing..... 6547

FEDERAL AVIATION AGENCY

Rules and Regulations

Jet route and positive control area; alteration and designation..... 6546
Transition areas; designation; correction..... 6546

Notices

Radar control approach facility at Waco, Texas; notice of closing... 6552

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
Boardman Broadcasting Co., Inc., and Daniel Enterprises, Inc..... 6552
Collins, John W., Jr..... 6552
Service Electric Cable TV, Inc..... 6552
Stallings, J. C., and Texan Broadcasting Co., Inc..... 6553

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Low cost and moderate income mortgage insurance; eligibility requirements, moderate income projects..... 6547

FEDERAL MARITIME COMMISSION

Rules and Regulations

Conference agreement provisions relating to concerted activities; resubmission of current agreements..... 6547

Notices

Compagnie Generale Transatlantique (French Line) and United States Lines Co.; notice of agreements filed for approval... 6553

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Duke Power Co..... 6553
Northern Natural Gas Co..... 6553
Northern States Power Co..... 6554
Texas Gas Transmission Corp... 6554

FEDERAL TRADE COMMISSION

Rules and Regulations

Cooperative advertising program... 6546
Sales promotion plan a lottery.... 6547

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Commissioner of Indian Affairs; delegation of authority..... 6551

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service; demurrage and detention on freight cars..... 6547

Notices

Fourth section applications for relief..... 6555
Motor carrier:
Temporary authority applications..... 6555
Transfer proceedings (2 documents)..... 6557

LAND MANAGEMENT BUREAU

Notices

Service Center Directors; delegation of authority..... 6551

MARITIME ADMINISTRATION

Notices

Bank of America National Trust and Savings Association; notice of approval of applicant as trustee..... 6551
Chief, Office of Ship Operations; redelegation of authority..... 6551

NATIONAL BUREAU OF STANDARDS

Notices

National Bureau of Standards radio stations; notice of U.S. standard frequency time broadcasts..... 6551

SECURITIES AND EXCHANGE COMMISSION

Notices

VTR, Inc.; order suspending trading..... 6555

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

7 CFR

717.....	6533
908.....	6533
910.....	6534
1003.....	6534
1016.....	6535
1099.....	6536

PROPOSED RULES:

1098.....	6549
-----------	------

14 CFR

71 (2 documents).....	6546
75.....	6546

16 CFR

15.....	6546
16.....	6547

24 CFR

221.....	6547
----------	------

32 CFR

234.....	6547
----------	------

45 CFR

1030.....	6547
-----------	------

46 CFR

537.....	6547
----------	------

49 CFR

95.....	6547
---------	------

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

MISCELLANEOUS AMENDMENTS

County referenda in 1966, 1967, and 1968 for out-of-county transfers of upland cotton allotments.

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended, 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to establish the procedure for holding referenda in 1966, 1967, and 1968 by mail ballot in counties as designated in Part 722 of this chapter having upland cotton allotments to determine whether transfers of upland cotton allotments by sale or lease across county lines within the State shall be authorized under section 344a of the act.

(b) Notice of the proposed amendment to provide for balloting by mail in the referenda on out-of-county transfers of upland cotton allotments was published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5570). No submissions in response to such notice were received. Since it is desirable that the county referenda in 1966 be held during the period of May 16-25, it is hereby determined that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations governing the holding of referenda on marketing quotas (28 F.R. 13249, as amended) are amended as follows:

1. The heading of § 717.17 is amended to read as follows: "§ 717.17 County referenda in 1965 for out-of-county transfers of upland cotton allotments."

2. A new paragraph (c) is added at the end of § 717.17 to read as follows:

§ 717.17 County referenda in 1965 for out-of-county transfers of upland cotton allotments.

(c) County referenda in 1965. The provisions of this section shall only be ap-

plicable to the county referenda held on November 23, 1965.

3. A new § 717.18 is added at the end of the regulations to read as follows:

§ 717.18 County referenda in 1966, 1967, and 1968 for out-of-county transfers of upland cotton allotments.

(a) *Authority.* The county referenda in 1966, 1967, and 1968 for out-of-county transfers of upland cotton allotments are required to be held under subsection (b) (ii) of section 344a of the act (7 U.S.C. 1344b(b) (ii)).

(b) *Procedure for balloting by mail.* The county referenda under this section shall be held by mail ballot. The county committee shall furnish, prior to each referendum, to all producers of upland cotton in the county who are determined by the county committee to be eligible to vote in the particular referendum in accordance with this section, a form of ballot suitable for mailing to the county committee. Each eligible producer of upland cotton may obtain a form of ballot from the county committee if not furnished to him prior to each referendum. Each producer eligible to vote in the referendum may cast his ballot by mailing such ballot to the county committee from which it was received, or by delivering such ballot to the office of such county committee. Ballots received by the county committee during the period established in Part 722 of this chapter for holding a particular referendum, but not after such period, shall be tabulated by the county committee. The provisions of §§ 717.1, 717.2, 717.3, 717.6, 717.11, 717.12, and 717.13 shall be applicable, insofar as practicable, except that:

(1) The deputy administrator shall prescribe the necessary forms and ballots to be used and may authorize the modification of any marketing quota referendum forms for use in the county referenda.

(2) The voting eligibility requirements pertaining to upland cotton in § 717.3(a) (1) shall be applicable, except that a landlord of a standing rent, cash rent, or fixed rent tenant shall be eligible to vote.

(3) The limitation in § 717.3(b) (1) that a person shall be entitled to only one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which such person is interested shall not be applicable and in lieu thereof the limitation on voting shall be as follows:

(i) No person shall be entitled to more than one vote in any county referendum regardless of the number of farms in which the person is interested which are located in the county.

(ii) An eligible voter shall be entitled to one vote in each county in which he is eligible to vote in the county referendum.

(4) The entire county shall be the referendum community.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 27, 1966.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-4749; Filed, Apr. 29, 1966; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 159]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.459 Valencia Orange Regulation 159.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part information submitted by the Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market

conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 28, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 1, 1966, and ending at 12:01 a.m., P.s.t., May 8, 1966, are hereby fixed as follows:

- (i) District 1: 500,000 cartons;
- (ii) District 2: 131,104 cartons;
- (iii) District 3: 175,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 29, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-4832; Filed, Apr. 29, 1966; 11:24 a.m.]

[Lemon Reg. 212]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.512 Lemon Regulation 212.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of

such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 26, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 1, 1966, and ending at 12:01 a.m., P.s.t., May 8, 1966, are hereby fixed as follows:

- (i) District 1: 4,650 cartons;
- (ii) District 2: 251,100 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 28, 1966.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-4806; Filed, Apr. 29, 1966; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 3]

PART 1003—MILK IN WASHINGTON, D.C., MARKETING AREA

Order Amending Order

§ 1003.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Washington, D.C., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of this order, amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Washington, D.C., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1003.9, the introductory text of paragraph (a) and subparagraphs (3) and (4) of paragraph (c) are revised to read as follows:

§ 1003.9 Pool plants and nonpool plants.

(a) An approved plant that is neither a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e):

(c) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products in consumer-type packages or dispenser units approved by a duly constituted health authority for fluid disposition are distributed on routes in the marketing area during the month.

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1003.10(e) and from which fluid milk products approved by a duly constituted health authority for fluid disposition are shipped to a pool plant.

2. In § 1003.10, a new paragraph (e) is added to read as follows:

§ 1003.10 Handler.

(e) A governmental agency in its capacity as the operator of a nonpool plant disposing of fluid milk products on routes in the marketing area.

3. Section 1003.13 is revised to read as follows:

§ 1003.13 Dairy farmer.

"Dairy farmer" means any person (except a handler pursuant to § 1003.10(e)) who produces milk which is delivered in bulk to a plant.

4. In § 1003.30, a new paragraph (d) is added to read as follows:

§ 1003.30 Reports of receipts and utilizations.

(d) Each handler pursuant to § 1003.10(e) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

5. In § 1003.44, a new paragraph (b-1) is added and paragraph (d) and the introductory texts of paragraphs (c) and (e) are revised to read as follows:

§ 1003.44 Transfers.

(b-1) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant of a handler pursuant to § 1003.10(e):

(c) As Class I milk, if transferred or diverted to a nonpool approved plant that is neither an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), unless otherwise classified on the basis of the following assignment of utilization at such nonpool approved plant, in excess of receipts of packaged fluid milk products from all pool plants and other order plants, pursuant to subparagraphs (1) through (4) of this paragraph:

(d) As Class I milk, if transferred in bulk in the form of milk, skim milk or cream, or diverted to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located 300 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., except that cream so transferred may be classified as Class II if the transferor claims such classification, gives sufficient notice so that the market administrator may verify conditions of shipment, establishes such cream was transferred without approval of a duly constituted health authority for fluid disposition, labels each container to show that the contents are for manufacturing only, and such shipment is so invoiced;

(e) As Class I milk, if transferred in bulk in the form of milk, skim milk, or cream, or diverted in bulk to a nonpool plant that is neither an approved plant, an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1003.10(e), located less than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the zero milestone in Washington, D.C., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

6. In § 1003.46(a) (3) is revised to read as follows:

§ 1003.46 Allocation of skim milk and butterfat classified.

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which approval by a duly constituted health authority for fluid disposition is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1003.10(e);

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. June 1, 1966.

Signed at Washington, D.C., on April 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4756; Filed, Apr. 29, 1966; 8:48 a.m.]

[Milk Order 16]

PART 1016—MILK IN UPPER CHESAPEAKE BAY MARKETING AREA

Order Amending Order

§ 1016.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Chesapeake Bay marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity spec-

ified* in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Upper Chesapeake Bay marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1016.2, paragraph (c) is revised and a new paragraph (g) (5) is added to read as follows:

§ 1016.2 Definitions of persons.

(c) "Dairy farmer" means any person (except a handler pursuant to § 1016.2 (g) (5)) who produces milk which is delivered in bulk (tank or cans) to a plant.

(g) * * *

(5) A governmental agency in its capacity as the operator of a nonpool plant disposing of fluid milk products on routes in the marketing area.

2. In § 1016.3, the text that precedes the first proviso in paragraph (b) and subparagraphs (3) and (4) of paragraph (c) are revised to read as follows:

§ 1016.3 Definitions of plants.

(b) "Pool plant" means a plant specified in subparagraph (1), (2), (3), or (4) of this paragraph that is neither a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g) (5):

(c) * * *

(3) "Partially regulated distributing plant" means a nonpool plant that is neither a producer-handler plant, an other order plant nor a plant of a handler pursuant to § 1016.2(g) (5) and from which fluid milk products in consumer-type packages or dispenser units approved for fluid consumption by a duly constituted health authority are distributed on routes in the marketing area during the month; and

(4) "Unregulated supply plant" means a nonpool plant that is neither a producer-handler plant, an other order

plant nor a plant of a handler pursuant to § 1016.2(g) (5) and from which fluid milk products approved by a duly constituted health authority for fluid consumption are shipped to a pool plant.

3. In § 1016.31, a new paragraph (h) is added to read as follows:

§ 1016.31 Other reports.

(h) Each handler pursuant to § 1016.2 (g) (5) shall make reports to the market administrator at such time and in such manner as the market administrator shall request.

4. In § 1016.44, a new paragraph (b-1) is added and paragraph (c) and the introductory text of paragraph (d) are revised to read as follows:

§ 1016.44 Transfers.

(b-1) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant of a handler pursuant to § 1016.2(g) (5);

(c) As Class I, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g) (5), located 300 miles or more from the City Hall in Baltimore, Md.;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant, a producer-handler plant nor a plant of a handler pursuant to § 1016.2(g) (5), located less than 300 miles by the shortest hard-surfaced highway distance as determined by the market administrator from the City Hall in Baltimore, Md., unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

5. Section 1016.46(a) (3) is revised to read as follows:

§ 1016.46 Allocation of skim milk and butterfat classified.

(a) * * *

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which approval by a duly constituted health authority for fluid disposition is not established, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order; and

(iv) Receipts of fluid milk products from a handler pursuant to § 1016.2 (g) (5);

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. June 1, 1966.

Signed at Washington, D.C., on April 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4759; Filed, Apr. 29, 1966; 8:48 a.m.]

[Milk Order 99]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

DEFINITIONS

Sec.	
1099.0	Findings and determinations.
1099.1	Act.
1099.2	Secretary.
1099.3	Department of Agriculture.
1099.4	Person.
1099.5	Paducah, Kentucky, marketing area.
1099.6	Distributing plant.
1099.7	Supply plant.
1099.8	Pool plant.
1099.9	Nonpool plant.
1099.10	Handler.
1099.11	Producer.
1099.12	Producer-handler.
1099.13	Producer milk.
1099.14	Other source milk.
1099.15	Fluid milk product.
1099.16	Route disposition.
1099.17	Chicago butter price.
1099.18	Cooperative association.

MARKET ADMINISTRATOR

1099.20	Designation.
1099.21	Powers.
1099.22	Duties.

REPORTS, RECORDS, AND FACILITIES

1099.30	Reports of receipts and utilization.
1099.31	Payroll reports.
1099.32	Other reports.
1099.33	Records and facilities.
1099.34	Retention or records.

CLASSIFICATION OF MILK

1099.40	Basis of classification.
1099.41	Classes of utilization.
1099.42	Responsibility of handlers and reclassification of milk.
1099.43	Transfers.
1099.44	Computation of skim milk and butterfat in each class.
1099.45	Allocation of skim milk and butterfat classified.
1099.46	Determination of producer milk in each class.

MINIMUM PRICES

1099.50	Basic formula price.
1099.51	Class prices.
1099.52	Butterfat differentials to handlers.
1099.53	Location adjustments to handlers.

APPLICATION OF PROVISIONS

1099.60	Producer-handlers.
1099.61	Plants subject to other Federal orders.
1099.62	Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

1099.70	Computation of the net pool obligation of each pool handler.
1099.71	Computation of the uniform price.

PAYMENTS

Sec.	
1099.80	Time and method of payment for producer milk.
1099.81	Producer-settlement fund.
1099.82	Payments to the producer-settlement fund.
1099.83	Payments out of the producer-settlement fund.
1099.84	Adjustment of errors in payments.
1099.85	Butterfat differential to producers.
1099.86	Location differentials to producers and on nonpool milk.
1099.87	Marketing services.
1099.88	Expense of administration.
1099.89	Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1099.90	Effective time.
1099.91	Suspension or termination.
1099.92	Continuing obligations.
1099.93	Liquidation.

MISCELLANEOUS PROVISIONS

1099.100	Agents.
1099.101	Separability of provisions.

AUTHORITY: The provisions of this Part 1099 issued under secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations the hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Ky., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity spec-

fied in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1099.10(e), (b) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) and the corresponding steps of § 1099.45(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1966. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued April 8, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 25, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1966, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

DEFINITIONS

§ 1099.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1099.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1099.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture, or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1099.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1099.5 Paducah, Ky., marketing area.

The "Paducah, Ky., marketing area," hereinafter called the "marketing area," means all the territory within the counties listed below (except that portion of any of these counties contained in the Fort Campbell military reservation):

KENTUCKY COUNTIES

Ballard.	Hickman.
Caldwell.	Livingston.
Calloway.	Lyon.
Carlisle.	Marshall.
Christian.	McCracken.
Fulton.	Todd.
Graves.	Trigg.

MISSOURI COUNTIES

Mississippi.	Pemiscot.
New Madrid.	Scott.

§ 1099.6 Distributing plant.

"Distributing plant" means a plant in which milk is processed and packaged and from which Class I milk is disposed of during the month as route disposition in the marketing area.

§ 1099.7 Supply plant.

"Supply plant" means a plant (except a distributing plant) which is qualified as a pool plant pursuant to the proviso in § 1099.8(b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade A label is supplied during the month to a plant qualified pursuant to § 1099.8(a).

§ 1099.8 Pool plant.

"Pool plant" means:

(a) A distributing plant from which 45 percent or more of its receipts of milk from dairy farmers producing milk under

a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products from other plants disposed of as Class I milk on route disposition during the month and from which a daily average of 3,000 pounds or more per day, or 10 percent or more of such receipts, whichever is less, is disposed of as fluid milk products on route disposition in the marketing area: *Provided*, That a plant which qualifies as a pool plant by complying with the foregoing requirements during any month shall be a pool plant during the following month; or

(b) A distributing plant or supply plant from which the volume of milk, skim milk and cream shipped to pool plants qualified pursuant to paragraph (a) of this section, or disposed of as Class I milk on route disposition is equal to not less than 50 percent of the receipts of milk from dairy farmers producing milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority (including milk of such dairy farmers diverted by the plant operator), from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) and fluid milk products received from other plants: *Provided*, That if a supply plant ships to pool plants qualified pursuant to paragraph (a) of this section, milk, skim milk and cream equal to at least 75 percent of its receipts of milk from such dairy farmers and cooperative associations in their capacity as handlers pursuant to § 1099.10(e) in October and November and 35 percent of such milk in three additional months during the period from August through January, such plant shall, upon written application to the market administrator on or before the end of such period, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to reestablish its qualification under the terms of this proviso.

§ 1099.9 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant (other than a producer-handler plant or an other order plant) from which milk, skim milk, or cream acceptable to an appropriate health authority for distribution in the marketing area under a Grade A label is shipped to a pool plant.

§ 1099.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) A producer-handler or any person who operates an other order plant described in § 1099.61;

(d) A cooperative association qualified pursuant to § 1099.18 with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant; or

(e) A cooperative association which chooses to report as a handler with respect to milk which is delivered from the farm to a pool plant(s) of another handler in a tank truck owned or operated by, or under contract to, such cooperative association for the account of such cooperative association. The milk so delivered shall be considered to have been received by such cooperative association at a pool plant at the location of the pool plant to which it is delivered.

§ 1099.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1099.10(e).

§ 1099.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, from which Class I milk is distributed within the marketing area but which receives no other source milk or milk from other dairy farmers.

§ 1099.13 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk produced by a producer which is:

(a) Received during the month at a pool plant from producers or from a cooperative association pursuant to § 1099.10(e); *Provided*: That milk received at a pool plant by diversion from a plant at which such milk would otherwise be fully subject to the pricing and pooling under the terms or provisions of another order issued pursuant to the Act shall not be producer milk;

(b) Received by a cooperative association as a handler pursuant to § 1099.10(e) but which is not delivered to a pool plant of another handler and constitutes shrinkage pursuant to § 1099.41(b) (4) or as Class I shrinkage;

(c) Diverted by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1099.10(d) to a nonpool plant at which the handling of

milk is not subject to pricing and pooling under the terms or provisions of another order issued pursuant to the Act, subject to the following conditions:

(1) Not less than 5 days' production of any producer whose milk is diverted is physically received at a pool plant;

(2) If diverted by a cooperative association for its account as milk of its members to nonpool plants which does not exceed 25 percent of the milk physically received from member producers of such cooperative association at pool plants during the month in any of the months of April through August and 15 percent in other months, except that if milk of members is diverted by the cooperative association in excess of the specified percentages, no milk diverted by the cooperative association during the month shall be producer milk unless the cooperative association designates the dairy farmers whose milk is not producer milk;

(3) If diverted by a handler in his capacity as the operator of a pool plant, as milk of a producer who is not a member of a cooperative association diverting milk pursuant to subparagraph (2) of this paragraph, which does not exceed 25 percent of the aggregate quantity of milk received at such plant from such nonmember producers during the month in any of the months of April through August and 15 percent in other months, except that if milk of nonmember producers is diverted by the handler in excess of the specified percentages, no milk diverted by the handler during the month shall be producer milk unless the handler designates the dairy farmers whose milk is not producer milk; and

(4) Milk diverted for the account of a handler in his capacity as an operator of a pool plant shall be deemed to have been received at the pool plant from which diverted and milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at a location identical with that of the pool plant from which diverted.

§ 1099.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) producer milk, and (2) such products which are received from other pool plants; and

(b) Products designated as Class II milk pursuant to § 1099.41(b)(1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1099.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk and flavored milk drinks (modified or fortified, including dietary products) and reconstituted milk or skim; concentrated milk not sterilized in hermetically sealed containers; cream, sweet and sour; and mixtures of cream and milk or skim milk but not including the following: Frozen cream, aerated cream products, cultured sour cream mixtures other than sour

cream, egg nog and boiled custard, ice cream, and ice cream and ice milk mixes, and cream or mixtures of cream with milk or skim milk sterilized in hermetically sealed containers.

§ 1099.16 Route disposition.

"Route disposition" means a delivery (including disposition from a plant store or from a distribution point and distribution by a vendor or vending machine) of any fluid milk products to a retail or wholesale outlet other than a milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets.

§ 1099.17 Chicago butter price.

"Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

§ 1099.18 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

MARKET ADMINISTRATOR

§ 1099.20 Designation.

The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1099.21 Powers.

The market administrator shall have the following powers with respect to this part:

- (a) To administer its terms and provisions;
- (b) To make rules and regulations to effectuate its terms and provisions;
- (c) To receive, investigate, and report to the Secretary complaints of violations; and
- (d) To recommend amendments to the Secretary.

§ 1099.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

- (a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties

and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1099.88: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1099.87 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1099.30 through 1099.33 or payments pursuant to §§ 1099.62 and 1099.80 through 1099.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, report, on or before the 25th day after the end of each month, to each cooperative association described in § 1099.87(b) the percentage of milk which was caused to be delivered by such association or by its members and which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(i) Verify all reports and payments of each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order;

(k) Publicly announce, by posting in his office and by other means he deems appropriate, on or before:

(1) The 5th day of each month, the minimum price for Class I milk, pursuant to § 1099.51(a), and the Class I butterfat differential, pursuant to § 1099.52(a), both for the current month; and the minimum price for Class II milk, pursuant to § 1099.51(b), and the Class II butterfat differentials, pursuant to § 1099.52(b), both for the preceding month; and

(2) The 10th day after the end of each month, the uniform price, pursuant to

§ 1099.71, and the producer butterfat differential, pursuant to § 1099.85;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1099.45(a)(8) and the corresponding step of § 1099.45(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1099.45 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS, AND FACILITIES

§ 1099.30 Reports of receipts and utilization.

On or before the 6th day after the end of each month, each handler shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator; each handler specified in § 1099.10(b), who operates a partially regulated distributing plant shall report the same information except that receipts in Grade A milk shall be reported in lieu of those in producer milk; such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on route disposition in the marketing area as Class I milk;

(a) The quantities of skim milk and butterfat contained in all receipts at each of his distributing and supply plants of (1) producer milk, showing separately that from cooperative associations pursuant to § 1099.10(e), (2) in fluid milk products received from pool plants, and (3) other source milk;

(b) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 1099.13, the names of the producers so diverted, and the plant to which diverted;

(c) The utilization of all skim milk and butterfat required to be reported pursuant to paragraphs (a) and (b) of this section, including a separate statement of the disposition of Class I milk outside the marketing area;

(d) Inventories of Class I milk on hand at the beginning and end of the month;

(e) The name and address of each producer from whom milk was not received during the previous months, and the date on which milk was first received from such producer;

(f) The name and address of each producer who discontinues deliveries of milk, and the date on which milk was last received from such producer; and

(g) Each handler with respect to fluid milk products disposed of for animal feed or dumped shall report to the market administrator such information and at such time as a market administrator may require.

§ 1099.31 Payroll reports.

(a) On or before the 20th day of each month, each handler, operating a pool plant(s), except a producer-handler and each cooperative association which is a handler pursuant to § 1099.10 (d) or (e), shall report its producer payroll for the preceding month which shall show for each producer:

(1) His name and, if not previously reported, post office address and farm location (county) for each producer;

(2) The number of days on which milk was received from such producer;

(3) The average butterfat content of such milk;

(4) The net amount of such handler's payment, the price paid, the amount and nature of any deductions and charges involved; and

(5) The amount and nature of any payments paid pursuant to § 1099.84;

(b) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 1099.80(b) shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month; and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month together with the butterfat content of such milk, (ii) the amount or rate and nature of any deductions, and (iii) the amount and nature of payments due pursuant to § 1099.84; and

(c) On or before the 25th day after the end of the month each handler operating a partially regulated distributing plant except one who elects at the time of reporting pursuant to § 1099.30 to make payments pursuant to § 1099.62(b) shall report his payments to dairy farmers qualified to be producers as if such plant were a pool plant showing for each such dairy farmer:

(1) The daily and total pounds of milk received;

(2) The average butterfat content thereof; and

(3) The date and net amount of payment paid such dairy farmer with a statement of the prices, deductions and charges used in computing such payment and the nature of each.

§ 1099.32 Other reports.

Each producer-handler shall make reports to the market administrator at such

time and in such manner as the market administrator shall request and shall permit the market administrator to verify such reports.

§ 1099.33 Records and facilities.

Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The amount and nature of deductions authorized by producers, and disbursements of any money so deducted; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream or other milk products on hand at the beginning and end of the month.

§ 1099.34 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain:

Provided, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15) (A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1099.40 Basis of classification.

All skim milk and butterfat which is required to be reported pursuant to § 1099.30 shall be classified by the market administrator pursuant to the provisions of §§ 1099.41 through 1099.46.

§ 1099.41 Classes of utilization.

The classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (2), (3), and (6) of this section. Fluid milk products which have been fortified by the addition of milk solids shall be Class I only to the extent of the weight of an equal volume of an unmodified fluid milk product of

the same nature and butterfat content; and

(2) Not specifically accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce a product other than a fluid milk product;

(2) Contained in inventory of fluid milk products on hand at the end of the month;

(3) Skim milk contained in that portion of fortified fluid milk products not classified as Class I milk pursuant to paragraph (a) (1) of this section;

(4) Contained in actual shrinkage of skim milk and butterfat, respectively, not to exceed the amounts calculated for each pool plant and for each cooperative association in its capacity as a handler pursuant to § 1099.10 (d) and (e);

(i) Two percent of receipts of skim milk and butterfat from producers (including receipts by a cooperative association pursuant to § 1099.10(e)) and milk diverted pursuant to § 1099.13; plus

(ii) One and one-half percent of fluid milk products received in bulk from other pool plants; plus

(iii) One and one-half percent of milk received in bulk from cooperative associations in their capacity as handlers pursuant to § 1099.10(e) except that if the handler operating the pool plant files with the market administrator, prior to the first day of the month, notice that he is purchasing such milk on the basis of farm weight determined by farm bulk tank calibration and butterfat tests determined from farm bulk tank samples, the applicable percentage shall be two percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of bulk transfers of milk to a pool plant of another handler (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage in such milk shall be two percent); less

(vii) One and one-half percent of bulk transfers of milk to nonpool plants (in the case of a cooperative association selling milk to a handler on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, the percentage in such milk shall be two percent); less

(viii) One and one-half percent of diversion of milk to nonpool plants (in the case of a cooperative association selling milk to a handler receiving milk on the basis of farm weights determined by farm bulk tank calibration and butterfat

test determined from farm bulk tank samples as provided in subdivision (iii) of this subparagraph, or a handler receiving milk on the basis of farm weights determined by farm bulk tank calibration and butterfat test determined from farm bulk tank samples, the percentage in such milk shall be two percent);

(5) In shrinkage of skim milk and butterfat, in other source milk in the form of fluid milk products in bulk except that included in subparagraph (4) of this paragraph: *Provided*, That such shrinkage shall be assigned pro rata to the amounts used in the computations pursuant to subparagraph (4) of this paragraph and this subparagraph; and

(6) Contained in fluid milk products which are dumped, if the market administrator has been notified in advance and afforded the opportunity to verify such dumping or in fluid milk products disposed of and used for livestock feed.

§ 1099.42 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk and butterfat should be classified in another class: *Provided*, That in the case of milk delivered by a cooperative association in its capacity as a handler pursuant to § 1099.10(e) such responsibility shall be that of the plant operator receiving such milk.

(b) Any skim milk or butterfat classified in one class shall be reclassified if verification by the market administrator reveals that such classification was incorrect.

§ 1099.43 Transfers.

Skim milk or butterfat transferred or diverted in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1099.45 (a) (8) and (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1099.45(a) (3) and the corresponding step of § 1099.45 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1099.45(a) (7) or (8) and the corresponding steps of § 1099.45(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1099.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk;

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph (d), classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph (d), if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk producer milk at the pool plant(s) of plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1099.41.

§ 1099.44 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1099.45 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1099.44, the market administrator shall determine the classification of product is transferred to an other order each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1099.41(b) (4);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk prod-

ucts received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II but not in excess of such quantity;

(i) Receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool handlers, and receipts in bulk from other order plants;

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and dairy farmers who are not producers which were not subtracted pursuant to subparagraph (4) (i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4) (ii) of this paragraph;

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1099.22(1) or the percentage that Class II utilization remaining

is of the total utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received:

(i) In fluid milk products from pool plants of other handlers according to the classification assigned pursuant to § 1099.43(a); and

(ii) In milk from a cooperative association which chooses to report as a handler pursuant to § 1099.10(e) pro rata from each class in the same proportion as all producer milk after the subtraction pursuant to subdivision (i) of this subparagraph; and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

§ 1099.46 Determination of producer milk in each class.

For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 1099.45, and determine the percentage of butterfat in the producer milk allocated to each class. In the case of a cooperative association determine the total pounds of skim milk and butterfat pursuant to § 1099.13 (b) and (c).

MINIMUM PRICES

§ 1099.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S. Department of Agriculture for the month. Such price shall be adjusted to 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the Chicago butter price for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1099.51 Class prices.

Subject to the provisions of §§ 1099.52 and 1099.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The price for Class I milk for the month shall be the basic formula price for the preceding month, plus \$1.05 in April, May, and June, \$1.15 in July and March and \$1.45 in the other months: *Provided*, That 10 cents shall be added to the price for Class I milk at pool plants located within that portion of the marketing area in the State of Missouri: *And provided further*, That the applicable Class I price so computed for the period April 10, 1966, through June 1966 shall be increased 22 cents; and

(b) *Class II milk price.* The Class II price shall be the basic formula price computed pursuant to § 1099.50.

§ 1099.52 Butterfat differentials to handlers.

If the average butterfat test of Class I milk or Class II milk, as calculated pursuant to § 1099.44, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such average butterfat test is above or below 3.5 percent, a butterfat differential calculated for each class of utilization follows:

(a) *Class I milk.* Multiply the Chicago butter price for the previous month by 0.12 and round the resulting figure to the nearest one-tenth cent.

(b) *Class II milk.* Multiply the Chicago butter price for the month, by 0.115 for the months of August through March and 0.11 for the months of April through July, and round the resulting figure to the nearest one-tenth cent.

§ 1099.53 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located more than 40 miles by shortest highway distance as measured by the market administrator, from the nearest County Courthouse in any of the counties included in the marketing area and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment credit is applicable, the price computed pursuant to § 1099.51(a) shall be reduced by 7.5 cents, plus 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 50 miles;

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of the receipts at such plant from producers and cooperative associations pursuant to § 1099.10(e), and the volume assigned as Class I to receipts from other order plants (and unregulated supply plants) such assignment to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

APPLICATION OF PROVISIONS

§ 1099.60 Producer-handlers.

Sections 1099.30, 1099.40 through 1099.52, and 1099.61 through 1099.87 shall not apply to a producer-handler.

§ 1099.61 Plants subject to other Federal orders.

In the case of a handler in his capacity as operator of a plant specified in paragraphs (a), (b), and (c) of this section, the provisions of this part shall not apply except that such handler shall with respect to his total receipts and disposition of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products is disposed of during the month from such plant as Class I route disposition in the marketing area regulated by the other order than as Class I route disposition in the Paducah, Ky., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its Class I route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order subject to the proviso of this paragraph: *And provided further*, on the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the Class I dispositions in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) Class I disposition made under limited term contracts to governmental bases and institutions;

(b) A distributing plant qualified pursuant to § 1099.8 which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk is disposed of during the month in the Paducah marketing area as Class I route disposition than as Class I route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation even though such plant has greater Class I route disposition in the marketing area of the Paducah, Ky., order; and

(c) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to the proviso of § 1099.8(b) during the preceding August through January period.

§ 1099.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1099.30 and 1099.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1099.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1099.70(e) and a credit in the amount specified in § 1099.82(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1099.30 and 1099.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1099.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on route disposition in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location or the Class II price, whichever is higher.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 1099.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1099.46, by the applicable class prices (adjusted pursuant to §§ 1099.52 and 1099.53) excluding in the case of a cooperative association acting as a handler pursuant to § 1099.10(e) milk received by it and delivered to the pool plant of another handler;

(b) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1099.45(a)(5) and the corresponding step of § 1099.45(b);

(c) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1099.45(a)(10) and the corresponding step of § 1099.45(b) by the applicable class prices;

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price with respect to the skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1099.45(a)(3) and the corresponding step of § 1099.45(b);

(e) Add an amount equal to the value at the Class I price adjusted for location of the nearest nonpool plant(s) from which an equivalent volume of skim milk and butterfat was received from an unregulated supply plant which volume of skim milk and butterfat is subtracted from Class I pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45(b). With respect to skim milk and butterfat which is received from dairy farmers who are not producers and which is subtracted from Class I pursuant to § 1099.45(a)(7) and the corresponding step of § 1099.45(b), add an amount equal to its value at the Class I price applicable at the pool plant.

§ 1099.71 Computation of the uniform price.

For each month, the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content, f.o.b. market, received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1099.70 for all handlers who filed the reports prescribed by § 1099.30 for the month and who made the payments pursuant to §§ 1099.80 and 1099.82 for the preceding month;

(b) Add an amount equivalent to the sum of the net deductions (reductions less increases) for location differentials to be made from producer payments pursuant to § 1099.86;

(c) Subtract if the weighted average butterfat content of milk received from

producers is more than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the producer butterfat differential by the difference between 3.5 and the average butterfat content of producer milk, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add an amount equivalent to one-half the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1099.70(e);

(f) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the "weighted average price," and, except for the months specified below, shall be the "uniform price" for milk received from producers;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price;

(h) For each of the months of April, May, June, and July, subtract an amount equal to 20 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provision of paragraph (i) of this section;

(i) For each of the months of October, November, December, and January add one-fourth of the total amount subtracted pursuant to paragraph (h) of this section;

(j) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(k) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

PAYMENTS

§ 1099.80 Time and method of payment for producer milk.

(a) Except as provided in paragraph (b) of this section, each handler operating a pool plant shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph;

(2) On or before the 17th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) Less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1099.87, (iii) plus or minus adjustments for errors made in previous payments made to such producer, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment pursuant to § 1099.85 from the market administrator for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association qualified pursuant to § 1099.18 which has so requested any handler in writing, such handler shall on or before the third day prior to the date on which payments are due individual producers pursuant to paragraph (a) of this section pay the cooperative association for milk received during the month from the producer members of such association an amount equal to not less than the amount due such producer members pursuant to paragraph (a) of this section: *Provided*, That the proper deductions referred to in paragraphs (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative;

(c) Each handler shall also make payment to a cooperative association delivering milk to such handler pursuant to § 1099.10(e) for milk so delivered as follows:

(1) On or before the 28th day of the month an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk so received from such cooperative association during the first 15 days of the month, less proper deductions authorized in writing by the cooperative association;

(2) On or before the 14th day of the following month not less than the uniform price adjusted by the butterfat and location differentials to producers pursuant to §§ 1099.85 and 1099.86 multiplied by the hundredweight of milk so received from the cooperative association during the month, subject to the following adjustments: (i) less payments made to such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) less proper deductions authorized in writing by such cooperative association: *Provided*, That if by such date the handler has not received full payment pursuant to § 1099.83 from the market administrator for such month, he may reduce pro rata his payments on such milk as in the case of payments to

producers pursuant to paragraph (a) of this section, and payments hereunder shall be completed not later than the date for making payments pursuant to this subparagraph next following the receipt of the balance due from the market administrator; and

(d) On or before the 14th day of the following month each handler shall pay to a cooperative association, with respect to such milk as was received from the association in its capacity as a handler operating a pool plant during the month not less than the value of such milk at the applicable class prices.

§ 1099.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 1099.62, 1099.82, and 1099.84 shall be deposited in this fund, and all payments made pursuant to §§ 1099.83 and 1099.84 shall be made out of this fund: *Provided*, That payments due to any handler shall be offset by payments due from such handler; and

(b) All amounts subtracted pursuant to § 1099.71(h) shall be deposited in this fund and set aside as an obligated balance until withdrawn to effectuate § 1099.80 in accordance with the requirements of § 1099.71(i).

§ 1099.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The sum of the net pool obligation computed pursuant to § 1099.70 for such handler;

(b) The sum of:

(1) The value of producer milk received by such handler at the applicable uniform prices specified in § 1099.80 excluding in the case of a cooperative association as a pool handler pursuant to § 1099.10(e) the value of milk delivered to pool plants of other handlers; and

(2) The value at the weighted average price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1099.70(e).

§ 1099.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1099.82(b) exceeds the amount computed pursuant to § 1099.82(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such pay-

ments as soon as the appropriate funds are available.

§ 1099.84 Adjustment of errors in payments.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or co-operative association for milk received by such handler discloses payment of less than is required by § 1099.80, the handler shall make up the difference of such payment not later than the next time for making payments as set forth in the provisions relating to payments which were in error.

§ 1099.85 Butterfat differential to producers.

The uniform price to be used pursuant to § 1099.80 in making payments for producer milk shall be adjusted by adding or subtracting, as the case may be, for each one-tenth of 1 percent by which the average butterfat content of such milk is more or less than 3.5 percent, the appropriate amount as shown in the following schedule according to the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture, for the month:

Butter price range (cents):	Rate (cents)
17.499 or less	2
17.50 to 22.499	2½
22.50 to 27.499	3
27.50 to 32.499	3½
32.50 to 37.499	4
37.50 to 42.499	4½
42.50 to 47.499	5
47.50 to 52.499	5½
52.50 to 57.499	6
57.50 to 62.499	6½
62.50 to 67.499	7
67.50 to 72.499	7½
72.50 to 77.499	8
77.50 to 82.499	8½
82.50 to 87.499	9
87.50 to 92.499	9½
92.50 and over	10

§ 1099.86 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk received at a pool plant shall be reduced according to the location of the pool plant, and the uniform price for producer milk diverted to a nonpool plant shall be reduced according to the location of the pool plant from which it is diverted at the rates set forth in § 1099.53;

(b) In making payments pursuant to § 1099.80, the uniform price per hundredweight for producer milk received at pool plants located in that portion of the marketing area in the state of Missouri shall be increased by an amount obtained by dividing the total hundredweight of pro-

ducer milk received at such pool plants during the month into the sum obtained by multiplying the total hundredweight of Class I milk assigned a value pursuant to § 1099.70 at such plants during the month by 10 cents: *Provided*, That the resultant price, rounded to the nearest full cent, shall not be increased pursuant to this paragraph by more than 10 cents; and

(c) For purposes of computations pursuant to §§ 1099.82 and 1099.83 the weighted average price shall be adjusted at the rates set forth in § 1099.53 applicable at the location of the nonpool plant from which the milk was received.

§ 1099.87 Marketing services.

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1099.80 with respect to milk received from producers (excluding such handler's own farm production), shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may prescribe; and, on or before the 20th day after the end of the month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers who are members of a cooperative association, which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section and which is not receiving payment for its producer members, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers pursuant to § 1099.80(b) as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 20th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1099.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production) and milk received from a cooperative association as a handler pursuant to § 1099.10(e), (b) other source milk allocated to Class I pursuant to § 1099.45(a) (3) and (7) and the corresponding steps of § 1099.45(b), and (c) packaged Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1099.89 Termination of obligations.

The provisions of this section shall apply to any obligations under this order for the payment of moneys irrespective of when such obligation arose, except an obligation involved in an action instituted before May 1, 1950, under section 8c(15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant

to section 8c(15) (A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1099.90 Effective time.

The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1099.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1099.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1099.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except §§ 1099.94, 1099.89, and 1099.91 through 1099.93, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agents. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1099.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1099.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons

or circumstances shall not be affected thereby.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. May 1, 1966.

Signed at Washington, D.C., on April 28, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4758; Filed, Apr. 29, 1966;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-EA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

Correction

In F.R. Doc. 66-4554, appearing at page 6355 of the issue for Wednesday, April 27, 1966, the third paragraph should read as follows:

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., June 23, 1966.

[Airspace Docket No. 65-WA-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route and Designation of Positive Control Area

On March 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2614) stating that the Federal Aviation Agency (FAA) proposed extension of Jet Route No. 531 in the vicinity of Sault Ste. Marie, Mich., and designation of a small area southeast of Sault Ste. Marie as positive control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., June 23, 1966, as hereinafter set forth.

1. In § 71.193 (31 F.R. 2276) "latitude 46°06'40" N., longitude 83°47'00" W.; thence to latitude 46°04'00" N., longitude 83°48'15" W.; thence to latitude 45°55'30" N., longitude 83°30'20" W.; thence along the United States/Canadian border to" is deleted.

2. In § 75.100 (31 F.R. 2346) Jet Route No. 531 is amended to read as follows:

Jet Route No. 531 (Buffalo, N.Y., to Sault Ste. Marie, Mich.) (Joins Canadian high level airway No. 531). From Buffalo, N.Y.,

via Kleinburg, Ont., Canada; Warton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1966.

H. B. HELSTROM,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 66-4726; Filed, Apr. 29, 1966;
8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Cooperative Advertising Program

§ 15.39 Cooperative advertising program.

(a) The Federal Trade Commission advised a manufacturer of women's wear that its proposed cooperative advertising allowance program and a furnishing of services or facilities, "if in practice worked out as presented, would be unobjectionable under sections 2 (d) and (e) of the Clayton Act, as amended by the Robinson-Patman Act."

(b) Under the supplier's first offer, all vendees (who are to be effectively informed of the offer) will be paid, on request and on proof made, for one-half their cost of cooperative advertising. Supplier's contribution at any one time will be limited to, and will amount to, 10 percent of the dollar value of a single sale to a requesting vendee. Over a year's time, however, supplier's contribution is to be restricted to 2.5 percent of the dollar value of a vendee's annual purchases. Any vendee who has received in excess of this amount will be billed therefor and a refund will be required.

(c) The Commission cautioned the manufacturer, however, "that should one or more, but not all, competing vendees fail to refund an excess allowance as determined by your plan, Robinson-Patman Act questions would arise."

(d) Under supplier's second offer, statement enclosures will be provided, the number furnished being based on the number of items purchased by a vendee. Enclosures will be imprinted for those entitled to quantities of 5,000 or more; unimprinted enclosures will be furnished to those entitled to fewer than 5,000 enclosures.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: April 29, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-4721; Filed, Apr. 29, 1966;
8:45 a.m.]

PART 16—ADMINISTRATIVE OPINIONS AND RULINGS

Sales Promotion Plan a Lottery

§ 15.40 Sales promotion plan a lottery.

(a) The Federal Trade Commission advised a processor of a grocery item that its proposed sales promotion plan would constitute a lottery and its use would be actionable under section 5 of the FTC Act.

(b) Under the plan, the concern proposed to insert at random either certificates of no value or of varying redeemable cash values in containers of its product to be sold at retail. At the time of retail sale, equivalent certificates in equal proportions would be made available at wholesale distributors to the general public without cost or obligation.

(c) The Commission said that "In our view the existence of the free certificates will not cure the difficulty presented by the transactions at the retail level which, standing alone, clearly involve a lottery in the sale of merchandise of a kind often heretofore made subject to a Commission order."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: April 29, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-4722; Filed, Apr. 29, 1966;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Admin- istration, Department of Housing and Urban Development

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODER- ATE INCOME MORTGAGE INSUR- ANCE

Subpart C—Eligibility Require- ments—Moderate Income Projects

MAXIMUM INTEREST RATE

In § 221.518(b) the first sentence is amended to read as follows:

§ 221.518 Maximum interest rate.

(b) In the case of a mortgage executed by other than a general mortgagor as defined in § 221.510, the mortgage shall bear interest at a rate not to exceed that set forth in paragraph (a) of this section up to and including the date of final endorsement by the Commissioner, at which time the rate of interest shall be lowered to 3 percent per annum. * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Inter-
prets or applies sec. 221, 68 Stat. 599, as
amended; 12 U.S.C. 1715f)

Issued at Washington, D.C., April 26,
1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-4734; Filed, Apr. 29, 1966;
8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 234—NATURAL RESOURCES; SOIL AND WATER MANAGEMENT

Billboards and Signs

The following miscellaneous amend-
ments to this Part 234 were authorized on
February 15, 1966:

Section 234.4(d) has been revised to
read as follows:

§ 234.4 Soil and water management pro-
gram procedures.

(d) Management and maintenance of
billboards and signs. (1) Signs as a
means of communication in the outdoor
environment are necessary guides to des-
tinations, safety reminders, warnings,
and to identify boundaries and activities.
The placement and maintenance of nec-
essary outdoor billboards, signs, displays,
and devices under DoD control will be
in harmony with the surrounding land-
scape in a manner consistent with Fed-
eral policy and to "preserve natural
beauty" (reference (e)).

(2) Advertising and promotional type
signs, including recruiting signs, are pro-
hibited where they tend to interfere with
the beauty or general appearance of rural
and residential areas and will be erected
on roads and highways only with the
permission and cooperation of cognizant
Federal, State, and local authorities.
(Exceptions to the foregoing are granted
until Nov. 1, 1966, for existing commit-
ments and free space already granted.)

(3) "A" frame type signs placed on
sidewalks and in or near Federal and
commercial buildings may continue to
be placed in such locations in accordance
with traditional recruiting practices if
approved by the local authorities.

(4) Signs in a common zone should be
complementary in theme and design and,
in specific areas, planned for at one time
to prevent duplication, conflict, and
omissions. Once placed, signs must be
kept as near to original specifications as
possible through scheduled maintenance
and replacement.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Administration).

APRIL 26, 1966.

[F.R. Doc. 66-4733; Filed, Apr. 29, 1966;
8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1030—COMMUNITY ACTION PROGRAMS

Waiver of Requirement of Public Hearing; Extension of Time for Public Comment

Section 1030.5(c) of the Interim Regu-
lations on Access to Public Information

and Hearing Requirements (31 F.R. 4454,
45 CFR 1030.5) requires that an agency
hold a public hearing prior to the sub-
mission of an application for OEO as-
sistance. Pursuant to § 1030.5(c)(2)
(ii), and pending the issuance of final
regulations, this requirement is hereby
waived as to all applications until fur-
ther notice.

This waiver does not affect the re-
quirement of § 1030.5(c)(1), which re-
quires certain agencies to hold public
hearings upon request.

The time for public comment on the
Interim Regulations is extended to May
15, 1966.

SARGENT SHRIVER,
Director.

[F.R. Doc. 66-4728; Filed, Apr. 29, 1966;
8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 18; Amdt. 1]

PART 537—CONFERENCE AGREE- MENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

Resubmission of Current Agreements

Take notice that the Federal Maritime
Commission has amended its Part 537 of
Title 46 CFR, Conference Agreement
Provisions Relating to Concerted Activi-
ties, to provide that modifications to
agreements made to comply with Part
537 shall be filed with the Commission on
or before July 1, 1966, instead of May 2,
1966, as specified originally.

Therefore, pursuant to sections 15, 21,
and 43 of the Shipping Act, 1916, (75
Stat. 763-4; 39 Stat. 736; 75 Stat. 766),
Title 46 CFR, is hereby amended as
follows:

In § 537.10(a) strike the date "May 2,
1966," and substitute therefor "July 1,
1966."

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-4742; Filed, Apr. 29, 1966;
8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 979]

PART 95—CAR SERVICE

Demurrage and Detention on Freight Cars

At a session of the Interstate Com-
merce Commission held in Washington,
D.C., on the 25th day of April, A.D. 1966.

It appearing, that the unprecedented
level of the economy is placing tremen-

dous pressures on railroad transportation facilities, causing such acute shortages of freight cars in all sections of the country as to close industrial plants, impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; and that car owners and shippers in all sections of the country are being deprived of the use of the cars acquired to handle their traffic; that present rules, regulations, and charges for demurrage and detention of cars are not promoting the most efficient utilization of cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.979 Service Order 979.

(a) Demurrage and detention on freight cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its demurrage and car detention rules, practices, and charges:

(b) Description of cars subject to this order: (1) This order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(2) Exception: The provisions of this order shall not apply to cars exempt from demurrage rules, regulations and charges as provided in Item 30 of Freight Car Demurrage Tariff 4-G, ICC H-17, issued by H. R. Hinsch.

(c) Computation of free time: All Saturdays, Sundays, and holidays listed in Item 25 of Agent H. R. Hinsch's Demurrage Tariff 4-G, ICC H-17, and subse-

quent issues thereof shall be excluded in computing the free time. When the last day of free time begins to run at or before 7 a.m., or when the free time expires at or before 11:59 p.m. of the day immediately prior to a Saturday, Sunday, or holiday, such Saturday, Sunday, or holiday will be a chargeable day.

(d) Increased demurrage and detention charges: Except as provided in paragraph (g) of this section, each common carrier by railroad subject to the Interstate Commerce Act shall assess demurrage, or detention in lieu of demurrage, as provided for in tariffs for each day, or fraction of a day, each car described in paragraph (b) of this section is held after the expiration of the free time, or when no free time is provided, at not less than the following rates:

(1) *Cars not subject to average demurrage agreement.* \$7.50 per car per day for each of the first 4 days, or fraction of a day after the expiration of the free time. \$15.00 per car per day for each subsequent day, or fraction of a day.

(2) *Cars subject to average demurrage agreement.* On cars subject to Average Demurrage Agreement, as provided in Rule 9, Item 940, Freight Car Demurrage Tariff 4-G, ICC H-17, issued by H. R. Hinsch, supplements thereto or reissues thereof, or to similar time-period demurrage settlement rules in other tariffs lawfully in effect, demurrage will be assessed as follows: \$7.50 for each debit not offset by a credit. Accrual of debits will begin immediately following expiration of the free-time period as described in paragraph (c) of this section. After a car has accrued four debits, a charge of \$15.00 per car per day will be assessed for each subsequent day, or fraction of a day.

(e) The demurrage or detention charges established by paragraph (d) of this section, shall apply to all detention accruing on or after 7 a.m., May 1, 1966.

(f) Nothing in this order shall be construed to require or permit the reduction of higher demurrage or detention rates resulting from the application of effective tariffs.

(g) The charges and provisions of Rule 8 of Car Demurrage Tariff 4-G, ICC H-17, issued by H. R. Hinsch, supplements thereto or reissues thereof, or of similar rules in other demurrage tariffs lawfully in effect, will remain in effect for the periods defined in such items.

(h) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(i) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(j) Effective date: This order shall become effective at 7 a.m., May 1, 1966.

(k) Expiration date: This order shall expire at 6:59 a.m., December 1, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4744; Filed, Apr. 29, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1098]

[Docket No. AO-184-A22]

MILK IN NASHVILLE, TENN., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agree- ment and to Order (Partial)

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Nashville, Tenn., on March 29, 1966, pursuant to notice thereof issued on March 22, 1966 (31 F.R. 4968).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on April 19, 1966 (31 F.R. 6202; F.R. Doc. 66-4415) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 6202; F.R. Doc. 66-4415) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

- (1) The Class II price;
- (2) Assignment of shrinkage on farm tank milk; and
- (3) Plants subject to other Federal orders.

This decision is concerned only with Issue No. 1. The remaining issues of the hearing will be considered in a further decision.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

1. **The Class II price.** The Class II price should be established at the level of the basic formula price for the month. For the year ending February 28, 1966, this would have obtained an average Class II price of \$3.32; the actual Class II price under the Nashville order in the same 12 months averaged \$3.07.

The basic formula price for the Nashville order is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is the basic formula used in most Federal or-

ders for determining Class I prices, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Nashville order is now the average reported basic paying prices at nine milk manufacturing plants in Tennessee (herein referred to as the Tennessee manufacturing plant price) plus 25 cents during the months of February-August and 35 cents September-January. Such price, however, may not exceed the highest of: (1) The average reported paying prices of a limited number of milk manufacturing plants in Wisconsin and Michigan (Midwest condensery price), (2) a formula price based on the market prices of butter and nonfat dry milk, and (3) a formula price based on the market prices for butter and cheddar cheese.

In only one of the 38 months from January 1963 through February 1966 did the Tennessee manufacturing plant price adjusted by the fixed differentials exceed the highest of the three alternatives. In December 1963, the Midwest condensery price was 1 cent below the Class II price based on the Tennessee manufacturing plant price.

The basic prices reported by the Tennessee manufacturing plants are not presently representative of the price of manufacturing grade milk received at these plants and are no longer appropriate as a basis for determining Class II prices under the Nashville order. The prices actually paid dairy farmers for milk delivered to these manufacturing plants are as much as 50 cents more than the basic price quotations for such plants that are used in determining the order Class II price. The basic price quotations do not include a 15-cent cooler premium, a 25-cent premium for concrete floors or a 10-cent bulk tank premium. Virtually all the dairy farmers delivering to at least five of these manufacturing plants receive the premiums for coolers and concrete floors; a majority of the farmers delivering to at least two of these plants receive the bulk tank premium. Prior to February 1, 1966, Nashville Milk Producers Association received 30 cents above the Nashville order Class II price for milk sold to these plants; since February 1, the premium increased to 40 cents.

Producers proposed that prices paid at manufacturing plants in Wisconsin and Minnesota be used in establishing the Class II prices under the order. This formula is used for the same purpose in 33 other Federal orders. Utilizing it in this order will tend to obtain a Class II price level consistent with that prevailing in other markets and will insure a more equitable return to producers for Class II milk.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting

Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or before the 5th day of the following month.

The Minnesota-Wisconsin series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The Class II price recommended herein is representative of the value of milk used for manufacturing purposes in the Nashville area and will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in other markets.

Handlers proposed that if the Minnesota-Wisconsin price series is used in determining the monthly Class II price, the value of milk dumped, used for livestock feed and in shrinkage (as Class II) should continue to be based on the present Class II price formula. It is not practicable to establish a price for milk disposed of in such manner at a level lower than that provided for other Class II uses. Placing a lower value on such dispositions would not encourage efficient marketing by handlers. Instead, it would tend to provide less incentive for handlers to seek the best possible outlets for reserve milk supplies, at producers' expense. The proposal to establish a lower price for milk disposed of in the above described manner is therefore denied.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are

supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tenn., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Nashville, Tenn., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tenn., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on April 26, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

ORDER AMENDING THE ORDER REGULATING THE HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

§ 1098.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tenn., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered. That on and after the effective date hereof, the handling of milk in the Nashville, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on April 19, 1966, and published in the FEDERAL REGISTER on April 22, 1966 (31 F.R. 6202; F.R. Doc. 66-4415), shall be and are the terms and provisions of this order, and are set forth in full herein:

Section 1098.51(b) is revised to read as follows:

§ 1098.51 Class prices.

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[F.R. Doc. 66-4750; Filed, Apr. 29, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 698, Amdt. 11]

SERVICE CENTER DIRECTORS

Delegation of Authority Regarding Contracts and Leases

A new subparagraph (8) is added to section 1(b), as follows:

Sec. 1. *Authority of certain offices to enter into contracts and leases.* * * *

(b) * * *

(8) The Service Center Directors are authorized to negotiate contracts (a) for standby aerial tanker services, (b) after advertising, where no responsive bids have been received, and (c) after advertising, where responsive bids received do not cover the quantitative requirements of the invitation, in which case negotiation is permitted for the remainder. The above authority for negotiation is found in section 302(c) (10) of the Federal Property and Administrative Services Act of 1949, as amended.

JOHN O. CROW,
Associate Director.

APRIL 25, 1966.

[F.R. Doc. 66-4739; Filed, Apr. 29, 1966;
8:46 a.m.]

Office of the Secretary

[Order 2508, Amdt. 71]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Ordinances, Resolutions, Constitutions, and Charters

Order 2508, as amended, is further amended by the revision of the heading and text of section 18. As so revised, section 18 reads as follows:

Sec. 18. *Tribal ordinances, resolutions, constitutions, and charters.* (a) The Commissioner may exercise the authority of the Secretary with respect to those matters set forth in subparagraphs (1) and (2), subject to the limitations set forth in subparagraphs (3) and (4), of this paragraph:

(1) Tribal ordinances and resolutions, and contracts, including expenditures under such contracts where approval of such expenditures is required, which are adopted, enacted, or negotiated by Indian tribal governing bodies pursuant to constitutions approved under section 16 or charters issued under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C., 1952 ed., secs. 461 et seq.), as amended, the Act of May 1, 1936 (49 Stat. 1250; 25 U.S.C., 1952 ed., sec. 473a), and the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C., 1952 ed., sec. 503), or pursuant to constitutions adopted and

approved without regard to the provisions of these acts;

(2) Tribal ordinances relating to law and order adopted pursuant to 25 CFR 11.1(e).

(3) The Commissioner shall forward to the Secretary, with a recommendation, ordinances, resolutions, or contracts which, in the opinion of the Commissioner are: Inconsistent with an act of Congress or with a treaty or with the tribal constitution or charter under which the ordinance, resolution, or contract was adopted, enacted, or negotiated; or should be disapproved or rescinded for any other reason.

(4) Notwithstanding the provisions of section 25 of this Order, the Commissioner shall not redelegate the authority granted in this paragraph to any officer or employee who pursuant to a tribal constitution or charter passes upon ordinances, resolutions, or contracts.

(b) The Commissioner may exercise the authority of the Secretary with respect to the calling and conducting of elections or referendums for the adoption or amendment of constitutions and charters and the calling and conducting of other elections or referendums as prescribed in tribal organic documents.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 27, 1966.

[F.R. Doc. 66-4730; Filed, Apr. 29, 1966;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INTEREST RATE PROVIDED IN REPARATION AWARDS

Policy Change

Notice of proposed policy change concerning the rate of interest to be provided, in addition to the payment of the principal amount of damages found to be due, in reparation awards under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. 499a et seq.), and the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), was published in the FEDERAL REGISTER of March 9, 1966 (31 F.R. 4173). The notice afforded interested persons opportunity to submit written comments regarding the proposed policy not later than March 31, 1966. None was submitted.

Reparation orders under the Perishable Agricultural Commodities Act, 1930, as amended, and reparation orders under the Packers and Stockyards Act, 1921, as amended, issued on and after June 1, 1966, where an award of interest is to be

made, will provide for interest at the rate of 6 percent per annum.

Done at Washington, D.C., this 27th day of April 1966.

THOMAS J. FLAVIN,
Judicial Officer,
Office of the Secretary.

[F.R. Doc. 66-4751; Filed, Apr. 29, 1966;
8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHIEF, OFFICE OF SHIP OPERATIONS

Redelegation of Authority

Pursuant to the authority delegated to the Maritime Administrator by Department of Commerce Order No. 117 (Rev.) (27 F.R. 3637, April 17, 1962), the authority set forth below has been redelegated to the Chief, Office of Ship Operations:

Authority to approve or disapprove banks or trust companies as trustees pursuant to the provisions of Public Law 89-346 and implementing regulations.

By order of the Maritime Administrator.

Dated: April 27, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-4725; Filed, Apr. 29, 1966;
8:45 a.m.]

BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION

Notice of Approval of Applicant as Trustee

Notice is hereby given that the Bank of America National Trust and Savings Association has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: April 27, 1966.

M. I. GOODMAN,
Chief, Office of Ship Operations.

[F.R. Doc. 66-4724; Filed, Apr. 29, 1966;
8:45 a.m.]

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of

phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On 1 June 1966, the clock at the station will be retarded by 200 ms at 0000 hours UT (7 p.m., e.s.t., of May 31). The successive time pulses emitted from station WWVB are 1 second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on 1 June 1966. During 1966, the pulses will occur at intervals which are longer than 1 second by 300 parts in 10^{10} , due to the offset to be maintained in carrier frequencies, as coordinated by the Bureau International de l'Heure (BIH).

Phase adjustments, when made, ensure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of UT2 provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 66-4760; Filed, Apr. 29, 1966;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board dated April 14, 1966, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-19 to Rochester Gas & Electric Corp. for the construction of a pressurized water nuclear reactor to be located on a site on the shore of Lake Ontario, designated as the Brookwood site, in the township of Ontario, Wayne County, N.Y.

A copy of the Initial Decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 25th day of April 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-4732; Filed, Apr. 29, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17071]

AEROLINEAS NACIONALES DEL ECUADOR, S. A.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 31, 1966, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 1, 1966, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 25, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-4741; Filed, Apr. 29, 1966;
8:46 a.m.]

FEDERAL AVIATION AGENCY

RADAR APPROACH CONTROL FACILITY AT WACO, TEX.

Notice of Closing

Notice is hereby given that on April 30, 1966, the Radar Approach Control Facility located at James Connally Air Force Base, Waco, Tex., will be closed. Nonradar approach control service will be provided by the Waco, Tex., Combined Station/Tower located at Waco, Tex., Municipal Airport.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-4727; Filed, Apr. 29, 1966;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15190, 15191; FCC 66M-582]

BOARDMAN BROADCASTING CO., INC., AND DANIEL ENTERPRISES, INC.

Order Continuing Hearing

In re applications of Boardman Broadcasting Co., Inc., Boardman, Ohio, Docket No. 15190, File No. BP-14305; Daniel Enterprises, Inc., Warren, Ohio, Docket No. 15191, File No. BP-14886; for construction permits.

Here under consideration is a Petition for Extension of Time, filed on April 18,

1966, by Boardman Broadcasting Co., Inc., seeking extension of dates governing procedural steps in this proceeding; and

It appearing that no objection to grant of the petition has been filed and that time for filing such objection has expired:

It is ordered, This 25th day of April 1966, that the petition is granted, and that these procedural dates be extended:

Exchange of Boardman's direct written presentation extended from April 25, 1966, to May 23, 1966;

Notification of witnesses desired for cross-examination extended from May 2, 1966, to May 31, 1966;

Hearing extended from May 16, 1966, to June 13, 1966.

Released: April 26, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4752; Filed, Apr. 29, 1966;
8:47 a.m.]

[Docket No. 16583; FCC 66M-588]

JOHN W. COLLINS, JR.

Order Scheduling Hearing

In the matter of John W. Collins, Jr., Glen Burnie, Md., Docket No. 16583; order to show cause why the license for radio station KKI-2785 in the Citizens Radio Service should not be revoked:

It is ordered, This 27th day of April 1966, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings herein shall be convened on June 1, 1966, 10 a.m., in Baltimore, Md., at a place to be herein-after specified.

Released: April 27, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4753; Filed, Apr. 29, 1966;
8:47 a.m.]

[Docket No. 16250; FCC 66M-591]

SERVICE ELECTRIC CABLE TV, INC. Order Continuing Hearing

In the matter of cease and desist order to be directed to Service Electric Cable TV, Inc., 206-208 East Third Street, Bethlehem, Pa.; Docket No. 16250.

On the oral request of counsel for Service Electric Cable TV, Inc., in which counsel for the Field Engineering Bureau of the Commission (the only other party to the proceeding) has concurred: *It is ordered*, This 27th day of April 1966 that the hearing in the above-entitled proceeding is hereby continued and will convene at 10 a.m., Monday, May 2, 1966, at the Commission's offices, Washington,

D.C., instead of on Friday, April 29 as previously scheduled.¹

Released: April 27, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4754; Filed, April. 29, 1966;
8:47 a.m.]

[Docket Nos. 16381, 16382; FCC 66M-580]

J. C. STALLINGS AND TEXAN BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of J. C. Stallings, Nacogdoches, Tex., Docket No. 16381, File No. BPH-4709; Texan Broadcasting Co., Inc., Nacogdoches, Tex., Docket No. 16382, File No. BPH-4730; for construction permits.

Both applicants in a petition filed April 21 join in a request to put the hearing over to June 13, 1966, and it is represented that the Broadcast Bureau supports grant of the request. Since there is some prospect that pending rule making will redo channel assignments for Nacogdoches and probably obviate the necessity for contested hearing, the request to delay the hearing may be accommodated. Accordingly, it is ordered, This 25th day of April 1966, that the joint request to continue the hearing is granted and that the hearing is rescheduled to June 13, 1966.

Released: April 25, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-4755; Filed, Apr. 29, 1966;
8:47 a.m.]

FEDERAL MARITIME COMMISSION

COMPAGNIE GENERALE TRANSAT- LANTIQUE AND UNITED STATES LINES CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within

¹ No further continuances of this proceeding will be granted except on the strongest showing of "good cause".

20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald A. Capone, Kirlin, Campbell & Keating, The Farragut Building, 900 17th Street NW., Washington, D.C., 20006.

Agreement 9544 provides for the interchange of cargo containers and related equipment between the parties thereto, Compagnie Generale Transatlantique and United States Lines Co., operating in the trades between French Atlantic ports and U.S. North Atlantic ports in the Hampton Roads/Portland, Maine, range, in accordance with the terms and conditions set forth therein.

Dated: April 27, 1966.

By order of the Federal Maritime
Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-4743; Filed, Apr. 29, 1966;
8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7285]

DUKE POWER CO.

Notice of Application

APRIL 25, 1966.

Take notice that on April 18, 1966, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Duke Power Co. (Duke), a corporation organized and existing under the laws of the State of North Carolina and qualified to do business as a foreign corporation in the State of South Carolina, with its principal place of business at Charlotte, N.C., seeking an order authorizing the acquisition by Duke of all the electric facilities of Greenwood County Electric Power Commission (Greenwood), a commission created by special act of the South Carolina legislature and authorized to do business in the State of South Carolina only, with its principal place of business at Greenwood, S.C. Duke is engaged in the generation, transmission, distribution, and sale of electric energy in 37 counties in North Carolina and 15 counties in South Carolina, including 4 of the 5 counties in South Carolina in which Greenwood does business. In addition, Duke operates transportation and water supply systems in parts of North Carolina and South Carolina. Greenwood is engaged in the generation, transmission, distribution, and sale of electric energy in Greenwood, Laurens, Newberry, Abbeville, and McCormick Counties in S.C. Duke proposes to purchase all the electric facilities of Greenwood except its Buzzard Roost hydroelectric project for a consideration of \$12,918,176 in cash subject to certain adjustments. It is contemplated that Greenwood will discharge out of this

sum all of its outstanding bonded indebtedness and other indebtedness. Duke also proposes to lease Greenwood's Buzzard Roost hydroelectric project for 40 years at an annual rental of \$250,000. This 15,000 kw project has been licensed by the Federal Power Commission under Part I of the Federal Power Act and it is designated in the records of the Commission as Project No. 1267. Greenwood's electric facilities which Duke proposes to purchase include a 16,000 kw steam plant, twenty-seven 44 kv and one 115 kv transmission lines, 44 substations, a 7.2 kv distribution system, and an office and warehouse building. The generation and transmission facilities of Greenwood are operated under the name of Greenwood County Electric Power System and the distribution facilities of Greenwood are operated under the name of Greenwood County Rural Electric System. Greenwood serves approximately 9,300 residential, commercial, industrial and municipal retail electric customers and 14 wholesale electric customers. Duke represents that it will assume Greenwood's contract with the Southeastern Power Administration (SEPA) for the purchase of capacity and energy and carry out Greenwood's responsibilities to such of its wholesale customers as are preference customers with respect to SEPA power and energy under the Flood Control Act of 1944. According to the application, the consummation of the proposed transaction will result in several benefits. The customers of Greenwood will receive better and more dependable electric service from Duke than can be provided at present by Greenwood. No increase in retail rates will be made by Duke and there will be a rate reduction totaling about \$41,000 annually for approximately 30 percent of Greenwood's retail customers. All employees of Greenwood will be retained by Duke and they will receive higher pay and greater fringe benefits than they are currently receiving. Greenwood County and neighboring counties as well as the State of South Carolina will secure from Duke tax revenues which these governmental entities are not now receiving from Greenwood.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1966, file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4735; Filed, Apr. 29, 1966;
8:45 a.m.]

[Docket No. CP66-326]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 25, 1966.

Take notice that on April 14, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., 68102,

filed in Docket No. CP66-326 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon by relocation certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities on its Permian System for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a horsepower addition at the Florey Compressor Station located in Midland County, Tex., and to transfer an existing compressor unit from the Plymouth Station to the Spraberry Station, both stations being located in Upton County, Tex. Applicant also proposes certain piping modifications at the Spraberry, Florey, and the Eldorado Compressor Stations. The Eldorado Station is located in Schleicher County, Tex. Specifically, Applicant proposes to construct the following facilities:

(1) A new 2,000 horsepower unit at the Florey Compressor Station to compress volumes of gas received from the Spraberry Compressor Station.

(2) 0.7 mile of 12-inch tie-over between the present 16-inch line from the Andrews Compressor Station and the 30-inch discharge line at Florey. Applicant states that this tie-over line will permit delivery of Andrews County gas into the discharge of the Florey Station as well as the suction as presently operated.

(3) Transfer of a 1,320 horsepower unit from the Plymouth Compressor Station to Spraberry. Applicant states that this unit together with a presently installed 1,350 horsepower unit at Spraberry will be utilized to compress gas received from the Eldorado Compressor Station. Applicant further states that under existing operating conditions, the gas from Eldorado delivers into the discharge of the Spraberry Station and that the presently installed 1,350 horsepower unit at Spraberry is being converted from gathering service to mainline service for the Eldorado gas.

(4) Piping modifications at the Eldorado Station resulting in split suction at this station.

The application states that the proposed abandonment of a 1,320 horsepower unit at the Plymouth Station for reinstallation at Spraberry will not result in any abandonment of service and that the remaining horsepower at the Plymouth Station will be sufficient to compress estimated volumes of gas delivered to that station.

The application further states that Applicant has concluded that construction of the facilities described above is the most economical means of solving the capacity problem on the East Leg System to allow Applicant to meet its gas purchase commitments.

The total estimated cost of Applicant's proposed natural gas facilities is \$1,165,800, which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4736; Filed, Apr. 29, 1966;
8:46 a.m.]

[Docket No. E-7284]

NORTHERN STATES POWER CO.

Notice of Application

APRIL 25, 1966.

Take notice that on April 18, 1966, Northern States Power Co. (Applicant), a Minnesota corporation with its principal business office at Minneapolis, Minn., and doing business in the States of Minnesota, North Dakota, and South Dakota, filed an application with the Federal Power Commission pursuant to section 204 of the Federal Power Act, seeking authority to issue, from time to time, Promissory Notes in the aggregate principal amount of \$40,000,000 at any one time outstanding to evidence short-term borrowings from commercial banks.

According to the application, Promissory Notes will be issued on various days and for various periods of time, but no note will mature more than 12 months after date of issue or renewal nor shall the maturity date of any note be later than October 31, 1967. Applicant states that the interest rate will be a rate that to the best knowledge and belief of the officers making the borrowings, does not exceed the prime loan interest rate at the time and place of making.

Applicant represents that it is its present intention, if, in the opinion of its directors and officers, market and economic conditions are favorable, to obtain funds for the prepayment of all of its Promissory Notes described above by offering at competitive bidding approxi-

mately \$45,000,000 of First Mortgage Bonds on or about July 27, 1966.

The proceeds from the bank borrowings described herein will be added to the general funds of the Applicant to pay in part the expenditures made and to be made in 1966 in connection with Applicant's expenditures for its 1966 construction program. Included among Applicant's expenditures for its 1966 construction program which are estimated at \$74 million, is \$29.5 million for the construction of a 565 mw generating unit at its Allen S. King plant in Oak Park Heights, Minn.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 10, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4737; Filed, Apr. 29, 1966;
8:46 a.m.]

[Docket No. CP66-149 (Phase I)]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

APRIL 25, 1966.

Take notice that on April 13, 1966, Texas Gas Transmission Corp. (Petitioner), 3800 Frederica Street, Owensboro, Ky., filed in Docket No. CP66-149 a petition to amend the certificate of public convenience and necessity issued in said docket on April 12, 1966, requesting authorization to increase the contract demands of 13 of its existing customers to be effective November 1, 1966, and to construct and operate the additional facilities required to provide the capacity to serve such increased requirements, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks authorization to construct and operate the following facilities:

(1) Approximately 43.87 miles of 36-inch loop pipeline in Louisiana, Mississippi, and Kentucky,

(2) Approximately 0.66 mile of 30-inch loop pipeline in Kentucky, and

(3) Approximately 7.14 miles of 8-inch loop pipeline in Indiana and Illinois.

Petitioner states that construction of the above facilities is scheduled to commence with the construction of those facilities authorized by the order issued in the instant docket on April 12, 1966, and that these facilities must be completed by November 1, 1966, in order to render the increased service related thereto.

The petition states that 13 of Petitioner's existing customers have requested that their contract demands for the 1966-67 winter heating season be

increased effective November 1, 1966. Accordingly, by the instant filing Petitioner seeks authorization to provide

additional natural gas service to the following customers in the amounts set forth below:

Customer	Authorized in order dated Apr. 12, 1966, Docket No. CP66-149	Previously authorized by orders other than CP66-149 order	Requested increase	Total requested for 1966-67 heating season
Jackson Utility Division, City of Jackson, Tenn.	23,262		150	23,412
City of Dyersburg, Tenn.	9,200		800	10,000
Indiana Gas & Water Co., Inc.		80,000	2,036	82,036
Southern Indiana Gas & Electric Co.	72,000		15,000	87,000
Western Kentucky Gas Co. (zone 3)		59,215	5,785	65,000
Hoosier Gas Corp.		23,300	1,700	25,000
Gas Utilities Co.		12,000	1,333	13,333
Eastern Illinois Gas & Securities Co.	6,500		400	6,900
Illinois Gas Co.	6,350		400	6,750
Midwest Natural Gas Corp.	2,758		908	3,666
City of Morganfield, Ky.	2,600		923	3,523
Lawrenceburg Gas Transmission Corp.		11,000	500	11,500
Western Kentucky Gas Co. (zone 4)		7,890	522	8,412
Total increase			30,459	

Petitioner states that the reasons for these customers seeking these increases in their respective contract demands are the addition of communities, unexpected residential growth, postponing of the installation of peak-shaving equipment, using a decreased design temperature in determining their estimated gas requirements, unanticipated industrial expansions, and additional firm industrial sales.

The total estimated cost of the facilities proposed by the instant filing is \$8,207,000, which will be financed through the issuance of long-term debt securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 19, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4738; Filed, Apr. 29, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

APRIL 26, 1966.

The common stock, \$1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock

Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 27, 1966 through May 6, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-4740; Filed, Apr. 29, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40448—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 415), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40449—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 416), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40450—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 417), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40451—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 418), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40452—*Joint motor-rail rates—Eastern Central*. Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 419), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 5 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4745; Filed, Apr. 29, 1966; 8:46 a.m.]

[Notice 174]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 27, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication,

within 15 calendar days after the date notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19227 (Sub-No. 108 TA), filed April 25, 1966. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla., 33142. Applicant's representative: Carl Atherton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classified Naval Ordinance Assemblies*, from Garland, Tex., to Yorktown, Va., for 180 days. Supporting shipper: Intercontinental Manufacturing Co., Garland, Tex. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 81350 (Sub-No. 2 TA), filed April 25, 1966. Applicant: EASTERN DAKOTA TRANSPORTATION, INC., 1 East Oak Street, Sisseton, S. Dak., 57262. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn., 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), (1) between Fargo, N. Dak., and Moorhead, Minn., on the one hand, and, on the other, points in the following South Dakota counties: Roberts, Marshall, Grant, and Day; (2) between Fargo, N. Dak., on the one hand, and, on the other, points in the following Minnesota counties: Traverse and Big Stone, for 180 days. Supporting shippers: The application is supported by statements from 28 shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak., 57501.

No. MC 97825 (Sub-No. 2 TA), filed April 25, 1966. Applicant: LOUISIANA MIDLAND TRANSPORT, COMPANY, INC., 3679 Florida Boulevard, Post Office Box 2588, Baton Rouge, La., 70806. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over irregular routes: A. *Cement*, in bulk, in tank or other bulk type carrying vehicles, from Selma (Jefferson County), Mo., and Monroe, La., to points in Arkansas and Mississippi; over regular routes: B. *General commodities* (with the usual excep-

tions), (1) between Georgetown and Ferriday, La., over Louisiana Highways 108 and 6, serving all intermediate points, and serving Rhinehart, La., as an off-route point, (2) between Packton and Georgetown, La., over Louisiana Highway 108, serving all intermediate points, (3) between Ferriday and Vidalia, La., over U.S. Highway 65, serving all intermediate points, and (4) between Trout and Pineville, La., via Pollock, La., over Louisiana Highway 19 and U.S. Highway 165, serving no intermediate points, for 180 days. NOTE: The operating authority in B above is now authorized by a certificate of registration issued in No. MC 97825 (Sub-No. 1). Supporting shipper: River Cement Co., 10 South Brentwood Boulevard, St. Louis, Mo., 63105 (Mr. J. J. Sievers, general traffic manager). Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 100542 (Sub-No. 11 TA), filed April 25, 1966. Applicant: RANDALL R. SAIN, doing business as C. B. TRUCK LINE, 1025 Wall Road, El Paso, Tex., 79915. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manganese ore*, in bulk, in hopper type vehicles, from Deming, N. Mex., to El Paso, Tex., for 180 days. Supporting shipper: American Minerals, Inc., 3666 Doniphan Drive, El Paso, Tex., 79922. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse, Albuquerque, N. Mex., 87101.

No. MC 102567 (Sub-No. 110 TA), filed April 25, 1966. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Post Office Drawer 5357, Bossier City, La., 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene Dibromide*, from El Dorado, Ark., to points in Colorado, Wyoming, and Idaho, for 180 days. Supporting shipper: Great Lakes Chemical Corp., Post Office Box 472, West Lafayette, Ind., 47906. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La., 70113.

No. MC 110541 (Sub-No. 8 TA), filed April 22, 1966. Applicant: MARK E. YODER, INC., 41 Parkway, Schuylkill Haven, Pa. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anthracite coal*, in bulk, in dump vehicles, from the site of Underkoffler Coal Co. at or near Lykens, Dauphin County, Pa., to the plantsite of Matthiessen & Hegeler Zinc Co., at Spelter, Harrison County, W. Va.; and (2) *bituminous coal*, in bulk, in dump vehicles, from points in the counties of Monongalia, Marion, and Barbour, W.

Va., to the plantsite of the New Jersey Zinc Co. in Palmerton, Carbon County, Pa., for 180 days. Supporting shippers: Matthiessen & Hegeler Zinc Co., Spelter, W. Va.; Hartwell & Lester, Inc., 300 Northern Boulevard, Great Neck, N.Y., 11021; The New Jersey Zinc Co., 160 Front Street, New York, N.Y., 10038. Send protests to: Kenneth R. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa., 18503.

No. MC 111729 (Sub-No. 150 TA), filed April 22, 1966. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records and audit and accounting media of all kinds* (excluding plant removals), (a) between Philadelphia, Pa., on the one hand, and, on the other, points in New Castle County, Del., and points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, and Warren Counties, N.J.; (b) between Louisville, Ky., and Indianapolis, Ind.; (c) between Cleveland, Ohio, and Buffalo, N.Y., for 180 days. Supporting shippers: Marathon Parts, 126 Suburban West, 20800 Center Ridge Road, Cleveland, Ohio, 44116; Cash, Inc., 300 East Fall Creek Parkway North Drive, Suite 401, Indianapolis, Ind., 46205; The Great Atlantic & Pacific Tea Co., Inc., 420 Lexington Avenue, New York, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 115668 (Sub-No. 11 TA), filed April 25, 1966. Applicant: WYLLIS B. HERRICK, doing business as W. B. HERRICK, Rural Route 2, Kendallville, Ind. Applicant's representative: William L. Carney, 105 East Jennings Avenue, South Bend, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric stoves and appliances, shower bath doors, sinks, counter tops, kitchen cabinets, faucets, and plumbing fixtures*, from Kendallville, Ind., to points in Allegan, Barry, Eaton, Ingham, Livingston, Oakland (South of Michigan Highway 59 and West of U.S. Highway 24), Wayne (West of U.S. Highway 24), Van Buren, Berrien, Kalamazoo, Cass, St. Joseph, Calhoun, Branch, Jackson, Hillsdale, Washtenaw, Lenawee, and Monroe Counties, Mich., and points in Mercer, Auglaize, Hardin, Wyandot, Crawford, Huron, Erie, Ottawa, Sandusky, Seneca, Hancock, Wood, Lucas, Fulton, Henry, Putnam, Allen, Van Wert, Paulding, Defiance, and Williams Counties, Ohio, for 180 days. Supporting shipper: Bostwick Industries Corp., Post Office Box 248, U.S. Highway 6, West, Kendallville, Ind. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 118974 (Sub-No. 6 TA), filed April 25, 1966. Applicant: EAGLE TRUCKING, INC., Pier 3, City Docks, Miami, Fla. Applicant's representative: Edward M. Shea, The Farragut Building, 900 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission) having a prior or subsequent movement by water, from Miami, Fla., to Port Everglades and Fort Lauderdale, Fla.; and from Port Everglades and Fort Lauderdale, Fla., to Miami, Fla., for 180 days. Supporting shippers: Alonso Shipping Co., 315 St. Charles Street, New Orleans, La., 70130; Harrington & Co., Inc., Pier 3, Dade County Seaport, Miami, Fla., 33132; A. & B. Utility Supplies, Inc., 500 Northwest Fifth Street, Miami, Fla., 33101. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla., 33130.

No. MC 126745 (Sub-No. 16 TA), filed April 22, 1966. Applicant: SOUTHERN COURIERS, INC., 222-17 Northern Boulevard, Bayside, N.Y., 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers checks and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion and negotiable securities) as are used in the operation of banks and banking institutions, between Memphis, Tenn., on the one hand, and, on the other, points in Mississippi on and north of U.S. Highway 80; points in Arkansas; and points in Missouri on and south of Missouri Highway 84, for 180 days. Supporting shippers: Federal Reserve Bank of St. Louis, Memphis branch, Post Office Box 407, Memphis, Tenn., 38101; First National Bank of Memphis, Memphis, Tenn.; National Bank of Commerce in Memphis, Memphis, Tenn. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 127867 (Sub-No. 1 TA), filed April 22, 1966. Applicant: TRANSOL COMPANY, 116 Forest Avenue, Des Moines, Iowa, 50314. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa, 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Solvents*, from Chicago, Ill., and points within the Chicago commercial zone as defined by the Interstate Commerce Commission; Potwin and Military, Kans.; and Louisville,

Ky., to Bettendorf, Council Bluffs, and Des Moines, Iowa. NOTE: Proposed operations would be restricted to traffic moving under continuing contracts with Barton Naphtha Corp., Barton Solvents, Inc., and Barton Solvents Co., for 180 days. Supporting shipper: Barton Solvents, Inc., 116 Forest Avenue, Des Moines, Iowa, 50314. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 127960 (Sub-No. 2 TA), filed April 25, 1966. Applicant: GUS VANDER POL AND HENRY VANDER POL, a partnership doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue South, Seattle, Wash., 98134. Applicant's representative: Carl A. Jonson, 400 Central Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), points between airports in King County, Wash., on the one hand, and, on the other, points in King, Snohomish, Skagit, Whatcom, and Island Counties, Wash., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: The Flying Tiger Line, Inc., 7401 World Way West, Los Angeles International Airport, Los Angeles, Calif., 90009. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

No. MC 128031 (Sub-No. 1 TA), filed April 25, 1966. Applicant: GEORGE A. McFARLAND, doing business as McFARLAND TRUCKING, Route No. 5, Austin, Minn. Applicant's representative: Clay R. Moore, First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice milk mix, milk, skim milk, cream, half and half, butter, eggs, cottage cheese, margarine, chocolate milk, chocolate drink, ice cream, ice milk, ice cream mix, novelties, citrus juices, sour cream, cheese, chip dips, nondairy coffee whitener, aerosol ships, dairy products and merchandise premiums, and all of the above commodities when transported with each other*, from Austin and Albert Lea, Minn., to Buffalo Center, St. Ansgar, Osage, Mason City, Charles City, Northwood, and Fort Dodge, Iowa, and Alden, Wells, Kiester, and Albert Lea, Minn., for 180 days. Supporting shipper: Marigold Dairies, Division of Marigold Foods, Inc., Austin, Minn. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 128131 TA, filed April 25, 1966. Applicant: ROBERT R. GREENE, 433 Lewis Drive, Gallipolis, Ohio. Applicant's representatives: James R. Stiver-

son, 50 West Broad Street, Columbus, Ohio, 43215, R. William Jenkins, 504½ Second Avenue, Gallipolis, Ohio, 45631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, blacktop, sand and gravel, and agricultural lime*, from points in Gallia and Jackson Counties, Ohio, to points in Jackson, Mason, Putnam, Roane, and Kanawha Counties, W. Va., for 180 days. Supporting shipper: James Merry, doing business as James Merry Stone Co., Route 2, Bidwell, Ohio. Send protests to: A. J. Stevens, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio, 43215.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4746; Filed, Apr. 29, 1966; 8:47 a.m.]

[Notice 1337-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-68778. Application filed April 22, 1966, by BOEHMER TRANSPORTATION CORP., Machias, N.Y., for temporary authority to lease the operating rights of VICTOR F. DIODATO, INC., LOUIS STERNBERG, TRUSTEE IN BANKRUPTCY, North Collins, N.Y. The transfer to BOEHMER TRANSPORTATION CORP., of the operating rights of VICTOR F. DIODATO, INC., LOUIS STERNBERG, TRUSTEE IN BANKRUPTCY, is still pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4747; Filed, Apr. 29, 1966; 8:47 a.m.]

[Notice 1337]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 27, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68588. By order of April 22, 1966, the Transfer Board approved the transfer to Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, of that portion of the operating rights of Philip J. Groetken, Le Mars, Iowa, in certificate No. MC-26707, issued May 2, 1949, and in certificate No. MC-26707 (Sub-No. 1), issued April 29, 1955, authorizing the transportation, over irregular routes, of household goods, between Le Mars, Iowa, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, South Dakota, and Nebraska, and of emigrant moveables, between Le Mars, Iowa, and points in Iowa, within 25 miles of Le Mars, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. R. W. Wigton, 710 Badgerow Building, Sioux City, Iowa, 51101, representative for applicants.

No. MC-FC-68617. By order of April 22, 1966, the Transfer Board approved the transfer to Standard Transport, Inc., Charlotte, N.C., of the operating rights in certificate No. MC-55841, issued June 16, 1944, to John William McClung, Jr., doing business as Standard Transport, Charlotte, N.C., authorizing the transportation of: Such merchandise, as dealt in by wholesale grocery and food business houses, pipe, machinery and parts, asphalt, hardware, and iron and steel articles, between specified points in South Carolina, North Carolina, and Virginia. Alvin A. London, 421 Law Building, Charlotte, N.C., 28202, attorney for applicants.

No. MC-FC-68626. By order of April 25, 1966, the Transfer Board approved the transfer to Jeff Green, doing business as B & J Vacuum Trucks, Daisetta, Tex., of the certificate of registration in No. MC-121511, issued January 26, 1966, to R. B. Evans and Jeff Green, doing business as B & J Vacuum Trucks, Devers, Tex., evidencing a right to engage in transportation in interstate or foreign Commerce solely within the State of Texas, corresponding to certificate of public convenience and necessity No. 7961 dated May 31, 1965, issued by the Railroad Commission of Texas. Albert G. Walker, 304 Capital National Bank Building, Austin, Tex., 78701, attorney for applicants.

No. MC-FC-68631. By order of April 22, 1966, the Transfer Board approved

the transfer to Superior Moving Service, Inc., Kansas City, Mo., of certificate in No. MC-70442, issued December 2, 1952, to Superior Transfer Service, Inc., Kansas City, Mo., authorizing the transportation of household goods, as defined by the Commission, between points in Kansas and Missouri within 40 miles of Kansas City, Kans., Kansas City, Mo., and North Kansas, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Lee Reeder, 1221 Baltimore Avenue, Kansas City, Mo., attorney for applicants.

No. MC-FC-68632. By order of April 25, 1966, the Transfer Board approved the transfer to Marguerite D. Keefe, doing business as Keefe's Express, Greenland, N.H., of certificate in No. MC-124428 (Sub-No. 1), issued January 2, 1963, to Edward C. Keefe, doing business as Keefe's Express, Greenland, N.H., authorizing the transportation of general commodities, except classes A and B explosives, in packages or parcels not exceeding 75 pounds each, in retail delivery service, restricted to shipments having a prior movement by freight forwarder from Portsmouth, N.H., to points in Rockingham and Strafford Counties, N.H., and Kittery, Maine, and returned shipment of the above specified commodities, restricted to shipments having a subsequent movement by freight forwarder from points in Rockingham and Strafford Counties, N.H., and Kittery, Maine, to Portsmouth, N.H. Lawrence W. Guptill, Jr., 4 Market Street, Portsmouth, N.H., attorney for applicants.

No. MC-FC-68635. By order of April 25, 1966, the Transfer Board approved the transfer to Huston Truck Line, Inc., Friend, Nebr., of the operating rights in certificates Nos. MC-104523 (Sub-No. 1), MC-104523 (Sub-No. 8), MC-104523 (Sub-No. 15), MC-104523 (Sub-No. 17), MC-104523 (Sub-No. 18), MC-104523 (Sub-No. 19), MC-104523 (Sub-No. 20), MC-104523 (Sub-No. 22), MC-104523 (Sub-No. 24), MC-10453 (Sub-No. 25), MC-104523 (Sub-No. 26), and MC-104523 (Sub-No. 28), issued March 11, 1957, June 23, 1950, February 3, 1960, April 17, 1961, January 26, 1961, April 17, 1961, May 11, 1962, April 23, 1963, September 26, 1963, May 22, 1963, June 24, 1964, and October 22, 1964, respectively, to William Harold Huston, doing

business as Huston Truck Line, Friend, Nebr., authorizing the transportation, over irregular routes, of: Salt and pepper from specified points in Kansas, Texas, and Nebraska to specified points and areas in Iowa, Nebraska, Wyoming, Kansas, Missouri, and South Dakota; animal and poultry feeds, mineral mixtures, and insecticides from specified points in Illinois, Kansas, Texas, and Nebraska to specified points and areas in Nebraska, Illinois, Oklahoma, Texas, Iowa, Wyoming, Missouri, Kansas, South Dakota, Colorado, and Montana; and lignite and bentonite clay from specified points in North Dakota, South Dakota, and Wyoming to points in Oklahoma, Texas, Kansas, Nebraska, Missouri, and Colorado. James E. Ryan, 214 Sharp Building, Lincoln, Nebr., attorney for applicants.

No. MC-FC-68737. By order of April 21, 1966, the Transfer Board approved the transfer to Safety Bus Service, a corporation, Cherry Hill, N.J., of certificates in Nos. MC-42183 and MC-42183 (Sub-No. 1), issued June 1, 1942, and September 14, 1953, to Charles Kauderer, Bridgeboro, N.J., authorizing the transportation of: Passengers and their baggage, in charter operations, from, to, or between specified points in New Jersey, and points in Pennsylvania, New York, Delaware, Virginia, and the District of Columbia. Walter S. Anderson, 130 North Broadway, Camden, N.J., 08102, attorney for applicants.

No. MC-FC-68739. By order of April 22, 1966, the Transfer Board approved the transfer to Amy Transportation Corp., Mineola, N.Y., of certificate of registration in No. MC-96897 (Sub-No. 1), issued April 20, 1964, to P.A.L. Transportation Co., Inc., Brooklyn, N.Y., authorizing the transportation of: General commodities, between New York City, on the one hand, and, on the other, points in Dutchess, Nassau, and Westchester Counties, N.Y., and, from New York City to points in Rockland, Orange, and Suffolk Counties, N.Y. Harris J. Klein, 280 Broadway, New York, N.Y., 10007, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-4748; Filed, Apr. 29, 1966;
8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATION:		81	6295	1068	5616
2227 (see Proc. 3715)	5807	210	5811	1069	5481, 5616
3709	5281	319	5607, 5745, 6246	1070	5345, 5481, 5614, 5686
3710	5403	354	6247	1071	5345, 5481, 5614
3711	5405	401	5745	1073	5481, 5614
3712	5543	402	5746, 6247	1074	5481, 5614
3713	5603	711	5663	1075	5481, 5616
3714	5743	717	5941, 6533	1076	5481, 5616
3715	5807	718	5812, 6405	1078	5345, 5481, 5614, 5686
3716	5809	722	5300, 6247	1079	5345, 5481, 5614, 5686
3717	6011	730	6254	1090	5481, 5614
EXECUTIVE ORDERS:		751	5748	1094	5345, 5481, 5611
July 18, 1891 (revoked in part by PLO 3978)	5897	792	5873	1096	5481, 5615
July 2, 1910 (revoked in part by PLO 3967 and 3970)	5622	811	5681	1097	5345, 5481, 5615
(revoked in part by PLO 3977)	5662	814	5682	1098	5345, 5481, 5615
(revoked in part by PLO 3989)	5900	842	5749	1099	5345, 5481, 5615, 5636
(modified by PLO 3998)	6313	850	5816	1101	5481, 5611
Jan. 26, 1911 (revoked in part by PLO 3977)	5662	851	6255	1102	5345, 5481, 5615
Aug. 30, 1911 (revoked in part by PLO 3970)	5622	862	5442	1103	5345, 5481, 5611
Sept. 5, 1914 (revoked in part by PLO 3975)	5623	905	5568	1104	5481
Apr. 4, 1917 (revoked by PLO 3995)	5902	907	5313	1106	5345, 5481, 5615
June 8, 1926 (revoked in part by PLO 3970)	5622	908	5442, 5481, 5607, 5875, 6013, 6256, 6375, 6533	1108	5345, 5481, 5615
6544 (revoked in part by PLO 3984)	5899	910	5314	1120	5481
6574 (revoked by PLO 3966)	5620	911	5608, 5876, 5941, 6194, 6256, 6534	1125	5481, 5617
8102 (revoked in part by PLO 3960)	5430	944	5663, 6102	1126	5345, 5481, 5615
11230 (amended by EO 11275)	5283	965	6295	1127	5481
11274	5243	967	6194	1128	5481
11275	5283	970	5608	1129	5481
11276	6233	987	6257	1130	5481
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		993	5751	1131	5481, 5617
Reorganization Plan No. 1 of 1966	6187	1001	5345, 5609	1132	5345, 5481, 5615
4 CFR		1002	5345, 5609	1133	5481, 5617, 6195
6	5293	1003	5345, 5609, 6375, 6534	1134	5481
52	6101	1004	5345, 5346	1136	5247, 5481, 5617
5 CFR		1005	5481, 5609	1137	5481, 5617
213	5245, 5246, 5299, 5300, 5345, 5547, 5605, 5659, 5686, 5811, 5871, 5939, 6013, 6235, 6317, 6353, 6483	1008	5481, 5609	1138	5315, 5345, 5481, 5617
550	6353	1009	5481, 5610	1201	6483
771	6353	1011	5345, 5481, 5610	1421	5481, 6408
772	6353	1012	5481, 5610	1430	5664
1300	6000	1013	5481, 5610, 5611	1434	6257
1300	5811	1015	5345, 5610	1464	5817
1900	5481	1016	5345, 5610, 6375, 6535	1468	5817
2000	5246	1030	5345, 5481, 6195	1479	5346
2100	6405	1031	5345, 5481, 5612, 5685	PROPOSED RULES:	
PROPOSED RULES:		1032	5345, 5481, 5612, 5685	26	5905
890	6318	1033	5481, 5610	51	5448, 5449, 5968
6 CFR		1034	5481, 5610	717	5570
5	6235	1035	5481, 5610	722	5321
322	5435, 6235	1036	5345, 5481, 5613, 5686	908	6375
7 CFR		1038	5345, 5481, 5613, 5686	916	5635
51	5939, 6189, 6240, 6243	1039	5345, 5481, 5613, 5686	980	6276
52	6190	1040	5481, 5610	987	5360
68	5605	1041	5345, 5481, 5611	1001	5360
		1043	5345, 5481, 5611	1002	5360
		1044	5345, 5481, 5613	1003	5321, 5360, 6375
		1045	5345, 5481, 5613	1004	5360
		1046	5481, 5611	1005	5360
		1047	5247, 5481, 5611	1008	5360
		1048	5481	1009	5360
		1049	5481, 5611	1011	5360
		1051	5345, 5481, 5613, 5686	1012	5360
		1061	5481, 5877	1013	5360
		1062	5345, 5481, 5613, 5686	1015	5360
		1063	5345, 5481, 5613, 5686	1016	5321, 5360, 6375
		1064	5345, 5481, 5614, 5877	1030	5368, 5638
		1065	5481, 5616	1031	5368
		1066	5481, 5616	1032	5368, 6497
		1067	5481	1033	5360
				1034	5360
				1035	5360
				1036	5360

7 CFR—Continued**PROPOSED RULES—Continued**

1038	5368
1039	5368
1040	5360
1041	5360
1043	5360
1044	5368
1045	5368
1046	5360
1047	5360
1048	5360
1049	5360
1050	6497
1051	5368
1061	5368, 5693
1062	5368
1063	5368
1064	5368, 5693
1065	5375
1066	5375
1067	5368
1068	5375
1069	5375
1070	5368
1071	5368
1073	5368
1074	5368
1075	5375
1076	5375
1078	5368
1079	5368
1090	5368
1094	5360
1096	5368
1097	5368
1098	5368, 6202, 6549
1099	5368, 5696, 6120, 6500
1101	5360
1102	5368
1103	5360
1104	5368
1106	5368
1108	5368
1120	5368
1125	5375
1126	5368
1127	5368
1128	5368
1129	5368
1130	5368
1131	5375
1132	5368
1133	5323, 5375
1134	5375
1136	5375
1137	5375
1138	5375
1201	5324

8 CFR

103	5547, 6195
214	5948
242	5547
245	6196
252	6195

9 CFR

83	6015
PROPOSED RULES:	
318	5905, 6378

10 CFR

30	5315
32	5315

12 CFR

1	5547, 5659
201	5443
218	5482
221	5443
336	5751
545	5258

Page

12 CFR—Continued**PROPOSED RULES:**

204	5320
217	5320
545	6277
546	6322
561	6278
563	6278

13 CFR

107	5285
-----	------

14 CFR

39	5482, 5548, 5660, 5823, 6015, 6200, 6296, 6353
----	--

43	5248, 5948
47	5483
65	5949
71	5250, 5285-5287, 5407, 5408, 5617, 5686, 5687, 5823-5825, 5950, 5951, 6104, 6264, 6265, 6296, 6297, 6354, 6355, 6408, 6409, 6483, 6484, 6487, 6489, 6490, 6546

73	5250, 5287, 5617, 6355
75	5287, 6546
91	5250, 6265
95	5871
97	5251, 6266, 6357
121	5825, 6265
129	6265
145	5248
159	5258
171	5408
214	5346
221	5351
223	5351
249	5352
288	5408
399	5419

PROPOSED RULES:	
21	5969, 5971
23	6062
25	5495, 6062
27	6062
29	6062
37	5454, 5570
39	5496, 5665, 5767, 6427, 6428
45	5971
61	5324
63	5324
65	5324
71	5455, 5456, 5496-5498, 5617, 5665, 5709, 5710, 5838, 5839, 5972, 6062, 6276, 6319, 6428, 6514
73	5327, 5328, 5617
75	5328, 5710, 6428
91	5381
121	5495
143	5324
151	5906
214	5381
295	5381

PROPOSED RULES:	
21	5969, 5971
23	6062
25	5495, 6062
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37	5454, 5570
39	5496, 5665, 5767, 6427, 6428
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71	5455, 5456, 5496-5498, 5617, 5665, 5709, 5710, 5838, 5839, 5972, 6062, 6276, 6319, 6428, 6514
73	5327, 5328, 5617
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91	5381
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214	5381
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PROPOSED RULES:	
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23	6062
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39	5496, 5665, 5767, 6427, 6428
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61	5324
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71	5455, 5456, 5496-5498, 5617, 5665, 5709, 5710, 5838, 5839, 5972, 6062, 6276, 6319, 6428, 6514
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PROPOSED RULES:	
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23	6062
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PROPOSED RULES:	
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PROPOSED RULES:	
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PROPOSED RULES:	
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PROPOSED RULES:	
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PROPOSED RULES:	
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PROPOSED RULES:	
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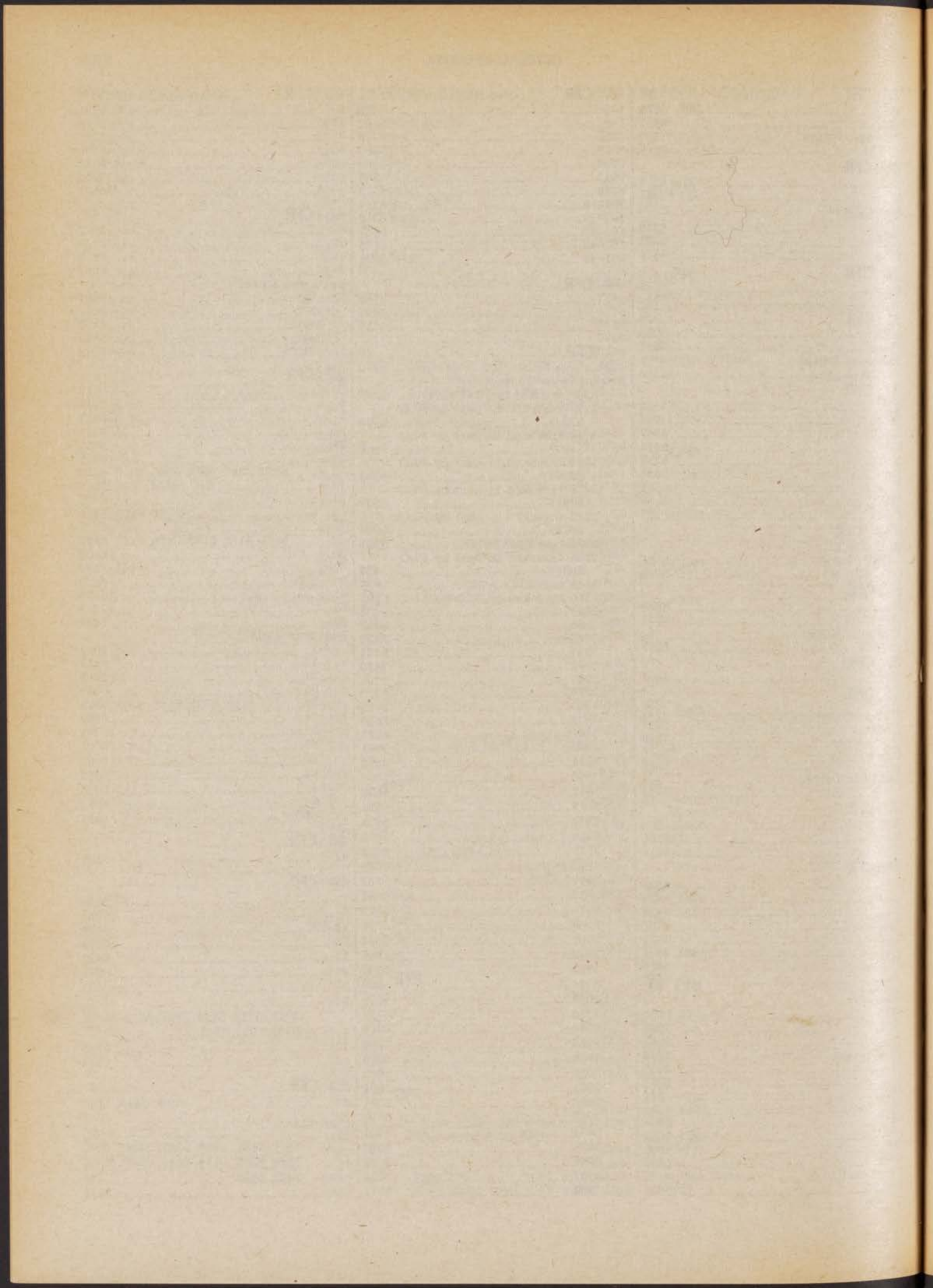
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71	5455, 5456, 5496-5498, 5617, 5665, 5709, 5710, 5838, 5839, 5972, 6062, 6276, 6319, 6428, 6514
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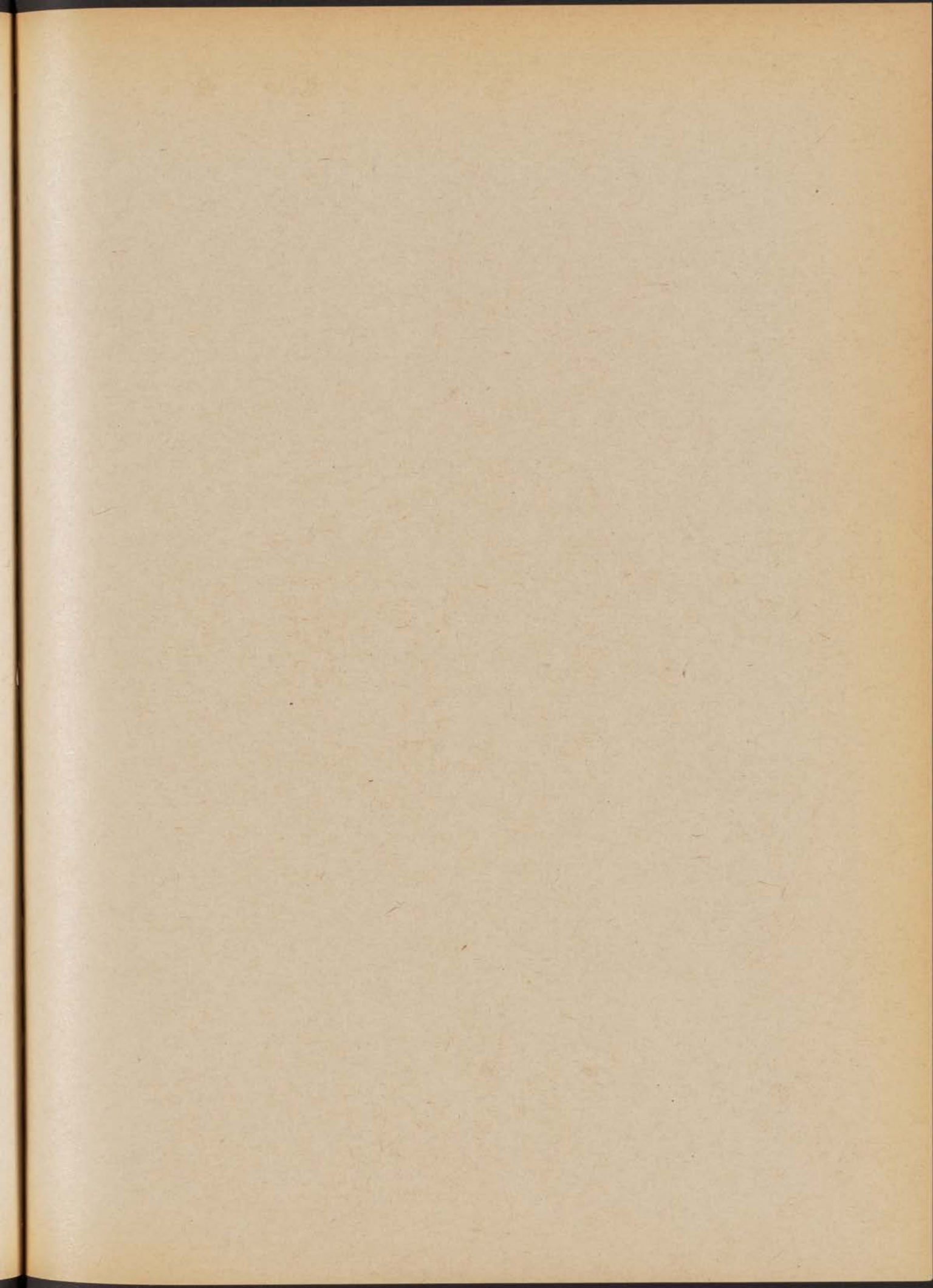
PROPOSED RULES:	
21	5969, 5971
23	6062
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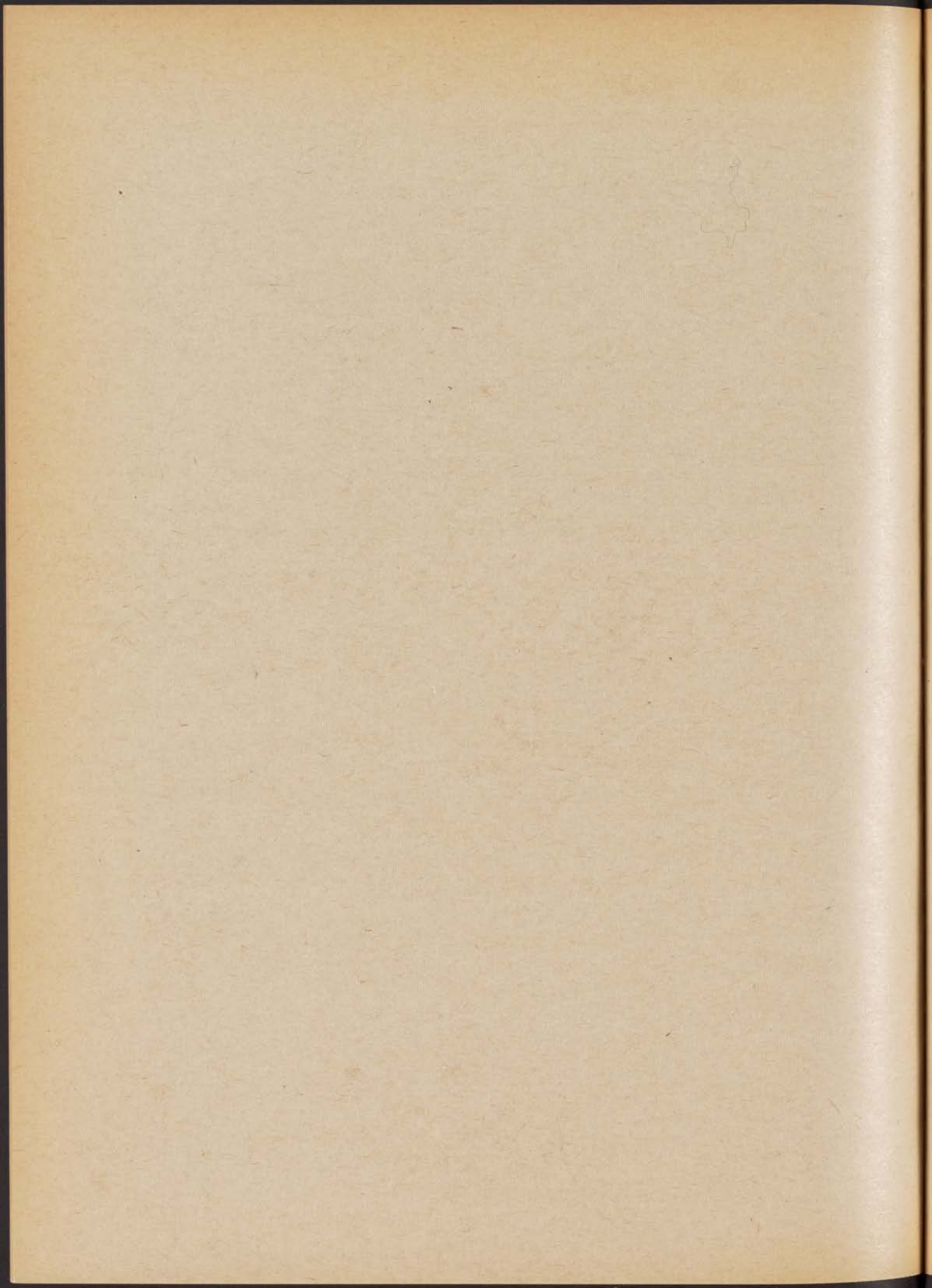
PROPOSED RULES:	
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23	6062
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27	6062
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39	5496, 5665, 5767, 6427, 6428
45	5971
61	5324
63	5324
65	5324
71	5455, 5456, 5496-5498, 5617, 5665, 5709, 5710, 5838, 5839, 5972, 6062, 6276, 6319, 6428, 6514
73	5327, 5328, 5617
75	5328, 5710, 6428
91	5381
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143	5324
151	5906
214	5381
295	5381

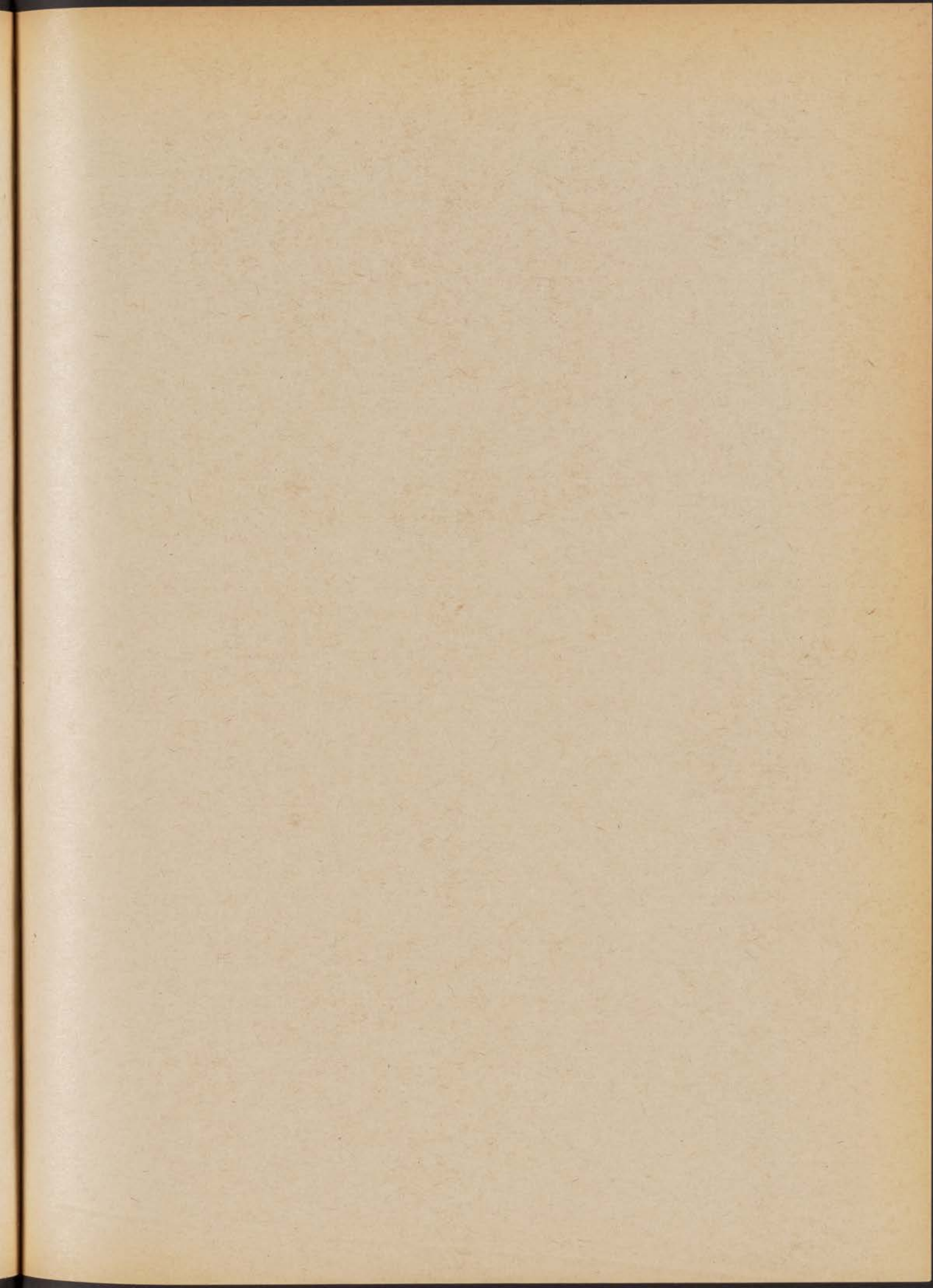
71	5455
	5456, 5496-5498, 5617, 5665, 5709,
	5710, 5828, 5829, 5972, 6062, 6276,

26 CFR	Page	41 CFR	Page	45 CFR	Page
31.....	5661, 6515	1-1.....	5880	90.....	5758, 5761
48.....	5491	1-8.....	5880	160.....	5559
PROPOSED RULES:		1-11.....	6370	173.....	5562
31.....	6515	1-16.....	5880	177.....	6109
28 CFR		6-75.....	6309	181.....	5623
0.....	6274, 6317	9-12.....	5555	801.....	5902
50.....	5292	9-15.....	6415	1030.....	6547
29 CFR		101-10.....	6311	46 CFR	
10.....	6370	101-19.....	6312	98.....	5903
1400.....	5423	101-26.....	5447	171.....	5836
1604.....	6414	101-43.....	5885	308.....	5432
30 CFR		101-45.....	6491	537.....	6547
42.....	5446	42 CFR		PROPOSED RULES:	
221.....	6414	52.....	5758	251.....	6427
31 CFR		57.....	5691	262.....	6427
0.....	5885	61.....	5758	401.....	5450
316.....	6016	43 CFR		512.....	5575
PROPOSED RULES:		1820.....	6313	513.....	5575
10.....	6318	PUBLIC LAND ORDERS:		47 CFR	
32 CFR		338 (revoked by PLO 3981).....	5897	0.....	6112
40.....	5353	1177 (revoked in part by PLO		1.....	6112, 6113
140.....	5288	3987).....	5900	2.....	6415-6417
234.....	6547	1216 (revoked in part by PLO		21.....	6114
851.....	5619	3987).....	5900	31.....	6417
1001.....	5354	1814 (revoked in part by PLO		33.....	6417
1003.....	5354	3987).....	5900	73.....	6050, 6052, 6053, 6055, 6419, 6420
1006.....	5355	2470 (revoked in part by PLO		74.....	5763, 6114, 6313, 6315
1007.....	5355	3992).....	5901	81.....	6420
1453.....	5620, 5827	2787 (revoked in part by PLO		83.....	6112, 6113, 6420
32A CFR		3994).....	5901	85.....	6112
OEP (Ch. I):		2834 (see PLO 3994).....	5901	87.....	5691, 6112, 6113, 6416, 6417, 6420
OEP Reg 6.....	5551	2924 (revoked in part by PLO		89.....	6420
OIA (Ch. X).....	5960	3990).....	5901	91.....	6114, 6420
33 CFR		3342 (see PLO 3988).....	5900	93.....	6420
82.....	5620	3365 (revoked by PLO 3996).....	5902	95.....	6420
203.....	5961	3958.....	5430	97.....	6420
PROPOSED RULES:		3959.....	5430	99.....	6420
402.....	5973	3960.....	5430	PROPOSED RULES:	
35 CFR		3961.....	5431	1.....	5264, 6063
255.....	6491	3962.....	5430	18.....	6319
36 CFR		3963.....	5431	21.....	6063
3.....	6263, 6315	3964.....	5430	23.....	6063
7.....	5827	3965.....	5431	73.....	5710, 5838, 6063-6065, 6429
28.....	5288	3966.....	5620	74.....	6063
502.....	6116	3967.....	5621	81.....	6063
503.....	6264	3968.....	5621	87.....	6063
PROPOSED RULES:		3969.....	5622	89.....	6063
7.....	5495	3970.....	5622, 5836	91.....	6063
37 CFR		3971.....	5622	93.....	6063
2.....	5261, 5554	3972.....	5622	95.....	6063
4.....	5261	3973.....	5623	97.....	6063
201.....	6119	3974.....	5623	48 CFR	
38 CFR		3975.....	5623	411.....	5355
0.....	5828	3976.....	5623	49 CFR	
1.....	5291, 5836	3977.....	5662	1.....	6056
2.....	5292, 5429	3978.....	5897	7.....	6058
3.....	5757	3979.....	5897	71-79.....	6492
6.....	5961	3980.....	5897	72.....	6423
8.....	5661, 5961	3981.....	5897	73.....	6423
17.....	5429	3982.....	5898	74.....	6425
36.....	5690	3983.....	5899	77.....	6425
39 CFR		3984.....	5899	95.....	5317,
13.....	5962, 6196	3985.....	6196		5318, 5356, 5432, 5691, 5965, 5966,
16.....	5962	3986.....	5900		6058-6061, 6547.
21.....	5962	3987.....	5900	101.....	5319
26.....	5962	3988.....	5900	191.....	6374
27.....	5962	3989.....	5901	50 CFR	
31.....	5964	3990.....	5901	28.....	5248, 5492, 5764
44.....	5964	3991.....	5901	32.....	5967
45.....	5962, 6055	3992.....	5901	33.....	5432,
54.....	5964	3993.....	5902		5492-5494, 5568, 5662, 5764, 5765,
168.....	5355, 5555	3994.....	5902		5904, 5967, 6114, 6115, 6263, 6315,
200.....	5965	3995.....	6056		6425, 6426.
204.....	5430	3996.....	6313	262.....	5357
PROPOSED RULES:		3997.....			
96.....	5665	3998.....			









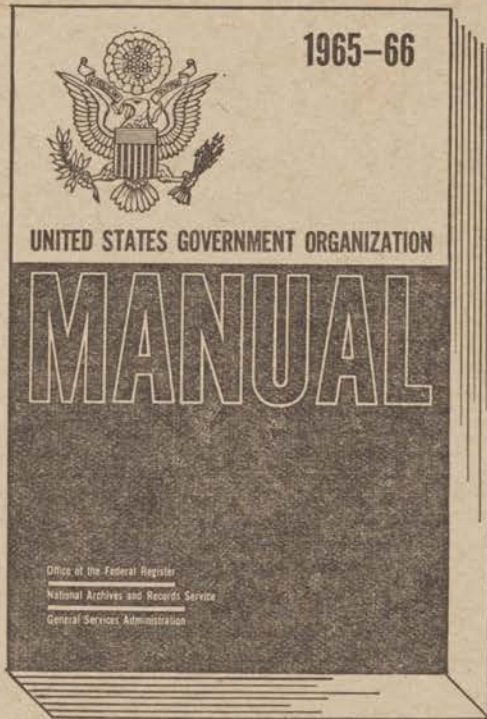
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